

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 16
NURSING HOME ADMINISTRATORS

54-1601. DEFINITIONS. As used in this act, unless otherwise stated, the following terms shall have the respective meanings hereinafter set forth or indicated:

(1) "Administrator designee" means a qualified individual filling a vacant nursing home administrator position pursuant to a signed agreement.

(2) "Board" means the board of examiners of nursing home administrators of the state of Idaho.

(3) "Examiner" means a member of the board of examiners of nursing home administrators of the state of Idaho.

(4) "Executive secretary" means the secretary of the board of examiners of nursing home administrators of the state of Idaho.

(5) "Health care facility" means any institution or facility which supplies all of the functional needs of an individual in need of residence care, and defined as such for licensing purposes under state law or pursuant to the rules for nursing homes, hospitals, residential or assisted living facilities, whether proprietary or nonprofit, and shall include, but not be limited to, health care facilities owned or administered by the state government or any agency or political subdivisions thereof.

(6) "Nursing home administrator" means any individual responsible for planning, organizing, directing, and controlling the operation of a nursing home, or who in fact performs such functions, whether or not such functions are shared by one (1) or more other persons.

(7) "Nursing home administrator-in-training" means an individual registered as such under and pursuant to the provisions of this act.

(8) "Practice of nursing home administration" means that planning, organizing, directing, and control of the operation of a nursing home.

(9) "Temporary permit" means a privilege granted by the board to an individual who has submitted an endorsement application evidencing a license in good standing in another state allowing their temporary practice as a nursing home administrator until their application is acted upon by the board.

[54-1601, added 1970, ch. 177, sec. 1, p. 512; am. 1980, ch. 92, sec. 1, p. 198; am. 1989, ch. 193, sec. 13, p. 482; am. 1999, ch. 161, sec. 1, p. 441; am. 2000, ch. 274, sec. 131, p. 865; am. 2001, ch. 77, sec. 1, p. 193.]

54-1602. SUPERVISION BY LICENSED ADMINISTRATOR REQUIRED -- EXCEPTION FOR ADMINISTRATOR DESIGNEE -- PRACTICE BY UNLICENSED PERSON PROHIBITED. No nursing home in the state shall be operated unless it is under the supervision of an administrator who holds a currently valid nursing home administrator's license issued pursuant to this act, except that after an administrator's position becomes vacant, a nursing home may operate under a responsible person authorized by signed agreement to act as an administrator designee. The administrator designee shall be qualified by documented experience to assume delegated duties, and shall not act for more than eight (8) continuous weeks unless an exception is granted by the board. An Idaho licensed administrator shall enter into an agreement, which shall be submitted

to the board, to consult with the administrator designee. No person shall practice or offer to practice nursing home administration in this state or use any title, sign, card, or device to indicate that he is a nursing home administrator unless such person shall have been duly licensed as a nursing home administrator as required by this act.

[54-1602, added 1970, ch. 177, sec. 2, p. 512; am. 1999, ch. 161, sec. 2, p. 441; am. 2001, ch. 77, sec. 2, p. 194.]

54-1603. BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS. (1) There is hereby created in the division of occupational and professional licenses a board of examiners of nursing home administrators, which board shall consist of five (5) members and be composed of two (2) public or private nursing home administrators, duly licensed and registered under this act, and three (3) other members as hereinafter described, except that such members of the initial board shall be required only to possess the qualifications and be eligible for licensure as required under this act, one (1) member shall be selected from any other profession, agency, or institution concerned with the care of chronically ill and infirm patients; one (1) licensed nurse from the nursing profession; and one (1) member representative of the public at large; but no more than two (2) of the members of the board shall be officials or full-time employees of state or local governments, except that they may be administrators of publicly owned nursing homes. All members of the board shall be citizens of the United States or shall have declared their intent to become citizens of the United States and shall be residents of this state.

(2) The term of office for each member of the board shall be three (3) years.

(3) (a) Appointments to the board shall be made by the governor, who may consider recommendations for appointment to the board from any organized and generally recognized group concerned with nursing home administration and from any individual residing in this state. Each member of the board shall hold office until his successor is duly appointed and qualified. Board members shall serve at the pleasure of the governor.

(b) Members of the board shall be compensated as provided by section [59-509](#)(1), Idaho Code.

(4) The board shall elect annually from its membership a chairman and vice chairman. The board shall hold two (2) or more meetings each year. A majority of the board membership shall constitute a quorum.

(5) The board shall exercise its powers and perform its duties and functions specified by this act.

(6) The board may appoint an executive secretary. He shall be the executive officer to the board but shall not be a member of the board. He shall have such powers and shall perform such duties as are prescribed by law and the rules of the board. A clerk and sufficient deputy clerks to adequately assist the board and the executive secretary in the keeping of the records and in the performance of their duties may be appointed by the board. All employees of the board shall be appointed, and serve in accordance with the provisions of law.

(7) The board may, by written agreement, authorize the division of occupational and professional licenses as agent to act in its interest.

[54-1603, added 1970, ch. 177, sec. 3, p. 512; am. 1974, ch. 13, sec. 137, p. 138; am. 1980, ch. 92, sec. 2, p. 198; am. 1980, ch. 247, sec. 62,

p. 626; am. 1996, ch. 66, sec. 5, p. 202; am. 2016, ch. 340, sec. 19, p. 942; am. 2021, ch. 222, sec. 14, p. 629.]

54-1604. FUNCTIONS AND DUTIES OF BOARD -- FEE FOR LICENSE APPLICANTS -- RULES. (1) It shall be the functions and duties of such board to:

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

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

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

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

(e) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board charging that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

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

(g) The fee to be paid for any application, license, renewal, permit or registration shall be set by board rule in an amount not to exceed two hundred dollars (\$200).

(2) The board or any committee or member thereof or any hearing officer designated by such board, acting in an official capacity, shall have powers and duties as provided by law.

Such board shall not be bound by the strict rules of evidence in the conduct of its proceedings but any determinations made shall be founded upon sufficient legal evidence to sustain them.

(3) The board shall also have the authority to make rules not inconsistent with law as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in section 1908 of the "social security act," the federal rules promulgated thereunder, and other pertinent federal requirements.

(4) The board shall have the authority to collect from the state association representing nursing homes in Idaho an amount as is necessary to fully reimburse the board for all expenses relating to prelitigation panels conducted pursuant to [chapter 23, title 6](#), Idaho Code. Funds collected by the board pursuant to this subsection shall be deposited into the occupational licenses fund.

[54-1604, added 1970, ch. 177, sec. 4, p. 512; am. 1976, ch. 166, sec. 14, p. 607; am. 1989, ch. 31, sec. 1, p. 35; am. 1999, ch. 161, sec. 3, p. 442; am. 1999, ch. 395, sec. 2, p. 1095; am. 2001, ch. 77, sec. 3, p. 195.]

54-1605. QUALIFICATIONS FOR EXAMINATION FOR LICENSE. (1) The board shall admit to examination for licensure as a nursing home administrator any candidate who pays a fee as determined by the board, submits evidence of good moral character and suitability prescribed by the board, and is at least eighteen (18) years old except that no applicant for license as a nursing home administrator shall be admitted to such licensing examination nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed a course of study for a baccalaureate degree and has been awarded such degree from an accredited institution of higher learning or its equivalent as provided in subsection (3) of this section.

(2) Additionally, the applicant shall have completed an administrator-in-training program as described in section [54-1610](#), Idaho Code.

(3) A candidate who applies for examination under and pursuant to subsection (1) of this section, in lieu of the educational requirements provided for therein, may submit evidence satisfactory to the board that such applicant has obtained two (2) years of satisfactory practical experience in management in a health care facility for each year of required post-high school education.

[54-1605, added 1970, ch. 177, sec. 5, p. 512; am. 1976, ch. 166, sec. 15, p. 608; am. 1980, ch. 92, sec. 3, p. 199; am. 1999, ch. 161, sec. 4, p. 443.; am. 2019, ch. 41, sec. 1, p. 109.]

54-1606. SUBJECT MATTER OF EXAMINATION -- FREQUENCY. (1) The board shall determine the subjects of examination for applicants for licensure as nursing home administrators and the scope, content, and format of such examinations which in any examination shall be the same for all candidates; except that such examination shall include examination of the applicant to demonstrate his proficiency in the practice of, and knowledge of, applicable rules of health and safety within the state.

(2) Examinations shall be held at least semi-annually at such times and places as the board shall designate.

[54-1606, added 1970, ch. 177, sec. 6, p. 512.]

54-1607. ISSUANCE OF LICENSE -- EXEMPTION -- EDUCATIONAL PROGRAMS -- ADMINISTRATION OF FEDERAL FUNDS BY BOARD. (1) An applicant for a license as a nursing home administrator who has successfully complied with the requirements of section [54-1605](#), Idaho Code, and the standards provided for therein, has passed the examination provided for in section [54-1606](#), Idaho Code, and, where applicable, has complied with the requirements of section [54-1610](#), Idaho Code, shall be issued a license, on a form provided for that purpose by the board, certifying that such applicant has met the requirements of the laws and rules entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator; provided, however, nothing in this act or the rules thereunder shall be construed to require an applicant for a license as a nursing home adminis-

trator, who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

(2) Any license issued by the board under or pursuant to the provisions of this section shall be under the hand and seal of the chairman and executive secretary of the board.

(3) If the board finds that programs of training and instruction conducted within the state are not sufficient in number or content to enable applicants for nursing home administrators' licenses and nursing home administrators to meet requirements established pursuant to this act, it shall institute and conduct or arrange with others to conduct one (1) or more such programs, and shall make provision for their accessibility to appropriate residents of this state. The board may approve programs conducted within and without this state as sufficient to meet education and training requirements established pursuant to this act. For purposes of this subsection, the board shall have the authority to receive and disburse federal funds received pursuant to requirements of the "social security act."

[54-1607, added 1970, ch. 177, sec. 7, p. 512; am. 1999, ch. 161, sec. 5, p. 444; am. 2001, ch. 77, sec. 4, p. 196.]

54-1608. ATTENDANCE AT CONTINUING EDUCATION PROGRAM -- REVOCATION OR SUSPENSION -- RENEWAL AND REINSTATEMENT. (1) Every individual who holds a valid license as a nursing home administrator issued by the board shall annually be required to apply to the board for a renewal of license and report any facts requested by the board on forms provided for such purpose. All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

(2) Upon making an application for a renewal of license, each individual shall pay an annual renewal fee and submit evidence satisfactory to the board documenting the attendance and completion of a continuing education program or course of study as may be provided in the rules of the board.

(3) Upon receipt of such application for renewal of license, the license fee, and the evidence required with respect to continuing education, the board shall issue a renewal of license to such nursing home administrator.

(4) The licensed nursing home administrator who fails to comply with the provisions of this section, and who continues to act as a nursing home administrator, shall be subject to discipline by the board, in accordance with the provisions of this act.

[54-1608, added 1970, ch. 177, sec. 8, p. 512; am. 1980, ch. 92, sec. 4, p. 201; am. 1999, ch. 161, sec. 6, p. 445; am. 2001, ch. 77, sec. 5, p. 197; am. 2003, ch. 21, sec. 10, p. 83.]

54-1609. ENDORSEMENT OF LICENSES. The board, in its discretion, and otherwise subject to the provisions of this act, and the rules of the board

promulgated thereunder prescribing the qualifications for a nursing home administrator license, may endorse a nursing home administrator license issued by the proper authorities of any other state upon payment of a fee and upon submission of evidence satisfactory to the board that the applicant meets those qualifications established by the rules of the board.

[54-1609, added 1970, ch. 177, sec. 9, p. 512; am. 1980, ch. 92, sec. 5, p. 202; am. 2001, ch. 77, sec. 6, p. 197; am. 2003, ch. 51, sec. 1, p. 191.]

54-1610. ADMINISTRATORS-IN-TRAINING -- EXAMINATION AFTER ONE THOUSAND HOURS -- REPORTS -- EXCEPTIONS. (1) Every applicant for a nursing home administrator license who shall have otherwise qualified under the provisions of section [54-1605](#), Idaho Code, except as provided for in this section, shall serve for one thousand (1,000) hours under the direct supervision of a duly licensed nursing home administrator in accordance with the rules of the board. At the expiration of the one thousand (1,000) hour training period, the applicant shall be eligible to take the examination. An administrator-in-training program shall not exceed a period of two (2) years, except as approved by the board for good cause.

(2) The nursing home administrator-in-training shall submit reports on forms provided therefor by the board.

(3) This section shall not apply to any individual who has:

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

(b) A master's degree from an accredited institution that includes an emphasis on health care and has one (1) year of management experience in a health care facility that provides inpatient care.

(4) Every nursing home administrator-in-training shall register the fact of such training with the board in accordance with the rules and on forms provided by the board.

(5) An applicant may begin the one thousand (1,000) hour training period as a nursing home administrator-in-training prior to completion of a baccalaureate degree.

[54-1610, added 1970, ch. 177, sec. 10, p. 512; am. 1980, ch. 92, sec. 6, p. 202; am. 1999, ch. 161, sec. 7, p. 446; am. 2001, ch. 77, sec. 7, p. 198; am. 2012, ch. 62, sec. 1, p. 165; am. 2018, ch. 88, sec. 1, p. 193; am. 2019, ch. 41, sec. 2, p. 109; am. 2020, ch. 24, sec. 1, p. 58.]

54-1611. MISDEMEANORS LISTED -- PENALTIES. (1) It shall be a misdemeanor for any person to:

(a) Sell or fraudulently obtain or furnish any license or aid or abet therein; or

(b) Practice as a nursing home administrator under cover of any license illegally or fraudulently obtained or unlawfully issued; or

(c) Practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator unless duly licensed to so practice under the provisions of this act; or

(d) Practice as a nursing home administrator during the time his or her license issued under the provisions of this article shall be suspended or revoked; or

(e) Otherwise violate any of the provisions of this act.

(2) Such misdemeanor shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment.

[54-1611, added 1970, ch. 177, sec. 11, p. 512; am. 1999, ch. 161, sec. 8, p. 447.]

54-1612. REVOCATION OR SUSPENSION OF LICENSE, REPRIMAND, CENSURE, OR OTHER DISCIPLINE. (1) The license of any person practicing or offering to practice nursing home administration may be revoked or suspended, or such licensee may be reprimanded, censured, or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of the following cases:

(a) Upon proof that such licensee is reasonably unfit to operate a nursing home.

(b) Upon proof that such licensee has willfully or repeatedly violated any of the provisions of this act or the rules enacted in accordance with, or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which he is the administrator.

(c) Upon proof that such licensee is guilty of fraud or deceit in the practice of nursing home administration or related activities, or in his or her admission to such practice.

(2) The board, or a hearing officer designated by it shall have jurisdiction to hear all charges brought under the provisions of this section against persons licensed as nursing home administrators, and upon such hearings shall determine such charges upon their merits. If the board determines that such person is guilty of the charges, the board may revoke his or her license, suspend him or her from practice, or reprimand, censure, or otherwise discipline such licensee.

(3) Proceedings under this section shall be initiated by filing with the board, charges in writing and under oath. The board on its own motion may conduct an investigation and initiate charges. The procedures for notification and the hearing on such charges, unless dismissed by the board as unfounded or trivial, shall be conducted pursuant to the provisions of [chapter 52, title 67](#), Idaho Code.

[54-1612, added 1970, ch. 177, sec. 12, p. 512; am. 1993, ch. 216, sec. 68, p. 650; am. 1999, ch. 161, sec. 9, p. 447.]

54-1613. REISSUANCE OF REVOKED LICENSE. (1) The board may, in its discretion, reissue a license to any person whose license has been revoked.

(2) Application for the reissuance of a license shall be made in such manner as the board may direct in accordance with its rules.

[54-1613, added 1970, ch. 177, sec. 13, p. 512; am. 1999, ch. 161, sec. 10, p. 448.]

54-1614. JUDICIAL REVIEW OF BOARD ACTION. Anyone aggrieved by an action of the board may seek judicial review thereof in accordance with the provisions of [chapter 52, title 67](#), Idaho Code.

[54-1614, added 1970, ch. 177, sec. 14, p. 512; am. 1993, ch. 216, sec. 69, p. 650.]

54-1616. DISPOSITION OF FUNDS. All fees received under the provision of this chapter shall be paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

[54-1616, added 1971, ch. 171, sec. 1, p. 810; am. 1974, ch. 13, sec. 138, p. 138.]