

245 CMR: BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

245 CMR 2.00: NURSING HOME ADMINISTRATORS PURPOSE, DEFINITIONS AND SEVERABILITY

Section

- 2.01: ~~Source of Authority; Title~~ Purpose and Authority
- 2.02: Definitions
- 2.03: ~~Gender of Pronouns~~ Severability
- ~~2.04: Board Officers and Duties~~ (Reserved)
- ~~2.05: Requirements for Original Licensure~~ (Reserved)
- ~~2.06: Application for Examination~~ (Reserved)
- ~~2.07: Administrator in Training Program Requirements~~ (Reserved)
- ~~2.08: Subjects for Examination~~ (Reserved)
- ~~2.09: Licenses~~ (Reserved)
- ~~2.10: Disqualification and Re-Examination~~ (Reserved)
- ~~2.11: Annual Relicensure~~ (Reserved)
- ~~2.12: Continuing Education Requirements~~ (Reserved)
- ~~2.13: Reinstatement~~ (Reserved)
- ~~2.14: License Verification~~ (Reserved)
- ~~2.15: Grounds for Disciplinary Action~~ (Reserved)
- ~~2.16: Complaints~~ (Reserved)
- ~~2.17: Reciprocity~~ (Reserved)
- ~~2.18: Hearing Procedure~~ (Reserved)
- ~~2.19: Suspension Prior to Hearing~~ (Reserved)

2.01: Purpose and Authority ~~Source of Authority; Title~~

~~245 CMR 2.00 shall be known as the Regulations of the Board of Registration of Nursing Home Administrators. The Board adopts 245 CMR 2.00 which are promulgated under the authority of M.G.L. c. 13, § 74.~~

245 CMR 2.00 through 245 CMR 6.00 govern the licensure and practice of Nursing Home Administrators in Massachusetts by establishing the eligibility and licensure requirements and by establishing the standards of conduct for the practice of Nursing Home Administrators in the Commonwealth.

The Board of Nursing Home Administrators adopts 245 CMR 2.00 under authority of M.G.L. c. 13, §§ 9, 74 and M.G.L. c. 112, §§ 108 through 117, and pursuant to M.G.L. c. 30A, § 3.

2.02: Definitions

For the purpose of 245 CMR ~~2.00~~ the terms listed below have the following meanings:

Board means the Board of Registration of Nursing Home Administrators established by

245 CMR: BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

M.G.L. c. 13, § 73.

Board-approved Licensing Examination means the Nursing Home Administrator Examination offered by NAB.

~~Person means an individual and does not mean an association of individuals or a legal entity.~~

NAB means the National Association of Long Term Care Administrator Boards, or its successor agency.

Nursing home means any “nursing facility”, as defined by the Health Care Financing Administration of the United States Department of Health and Human Services, and/or any other institution or facility which provides nursing care and has been licensed by the Commonwealth of Massachusetts pursuant to M.G.L. c. 111, § 71.

Nursing home administrator means any person charged with the general administration of a nursing home, ~~whether or not such a person has an ownership interest in the home, who has been~~ licensed ~~and registered~~ as such by the Board in accordance with the provisions of M.G.L. c. 112, § 108.

Nursing home administrator-in-training (AIT) means a person registered as such with the Board.

~~Person means an individual and does not mean an association of individuals or a legal entity.~~

Skilled Nursing Facility means a facility that meets the definition in § 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)).

~~2.03:—Gender of Pronouns Severability~~

~~Pronouns indicating gender are used indiscriminately in 245 CMR 2.00 to refer to any person of either sex.~~

~~The provisions of 245 CMR *et. seq.* are severable. If any provision therein is declared unconstitutional or invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected.~~

~~2.04:—Board Officers and Duties~~

~~The Board shall elect annually from among its members a chairman, a vice chairman and a secretary. If the chairman shall not be a nursing home administrator, then the vice chairman shall be a nursing home administrator. In the event of a vacancy in one of the above offices, the Board shall elect a replacement from among its members by a majority vote of all Board members.~~

~~2.05: Requirements for Original Licensure~~

~~An applicant for licensure as a nursing home administrator shall be granted a license by the Board if he or she meets all of the following requirements, and all applicable requirements of 245 CMR 2.06 and 245 CMR 2.07:~~

~~(1) — Education and Experience Requirements. Each applicant for original licensure shall have completed one of the following:~~

~~(a) — A Master’s degree or doctoral degree from a duly accredited graduate school of health care administration, business or management in any of the following fields:~~

- ~~1. — Health care administration or health services administration;~~
- ~~2. — Business administration;~~
- ~~3. — Public health, with a concentration in administration;~~
- ~~4. — Public administration; or~~
- ~~5. — Human services administration;~~

~~plus an administrator in training (AIT) program of at least three months’ duration which meets the requirements of 245 CMR 2.07; or~~

~~(b) — A baccalaureate degree in health services administration or any other field from a duly accredited undergraduate college or university, plus an administrator in training (AIT) program of at least six months’ duration which meets the requirements of 245 CMR 2.07.~~

~~(2) — Acceptability of Degree Programs. An applicant’s educational degree shall be accepted by the Board if the educational institution or program which awarded that degree is accredited by an organization or entity which has been recognized by the United States Department of Education as an appropriate accrediting body for the degree program in question.~~

~~(3) — Credit Towards Completion of AIT Requirement. Credit may be given towards completion of the administrator in training program required by 245 CMR 2.05(1) to any applicant who furnishes written proof satisfactory to the Board of either of the following:~~

~~(a) — Satisfactory completion of an on-site internship which meets the requirements of 245 CMR 2.07 as part of his or her graduate or undergraduate degree program; or~~

~~(b) — Work experience in any “skilled nursing facility”, as defined by the Health Care Financing Administration of the United States Department of Health and Human Services, which, in the opinion of the Board, is substantially equivalent to an administrator in training (AIT) program which meets the requirements of 245 CMR 2.07. Credit will be given for such experience only if the facility in which it was obtained has a capacity of at least 50 nursing beds.~~

~~An applicant requesting credit towards completion of the administrator in training (AIT) program requirement pursuant to this section may be required to appear personally before the Board in connection with his or her request. The Board shall notify the applicant of its decision on this request in writing and, if the request is granted, the applicant shall enclose a copy of the Board’s written decision to grant that request with his or her application for the licensure examination.~~

## 245 CMR: BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

~~(4) — Examination Requirement. In addition to the education and experience requirements of 245 CMR 2.05(1), an applicant for licensure shall also obtain a passing score on the licensure examination prescribed by the Board.~~

### ~~2.06: Application for Examination~~

~~(1) — Each applicant for the examination for licensure as a nursing home administrator shall complete an application form provided by the Board. The completed application must be received by the Board at least 60 days prior to the examination date. Each application must be accompanied by:~~

- ~~(a) — A copy of a physical examination report completed by a licensed physician, registered physician assistant, or licensed certified nurse practitioner in which the physician, physician assistant or nurse practitioner certifies that the applicant has no mental or physical impairment which would interfere with the fulfillment of his or her responsibilities as a nursing home administrator and that the applicant is otherwise in good health;~~
- ~~(b) — One personal letter of reference, and three letters of reference from business associates or colleagues, certifying that the applicant is of good moral character; and that he or she is suitable and fit to be licensed and to practice as a nursing home administrator;~~
- ~~(c) — Written documentation satisfactory to the Board that the applicant possesses a baccalaureate or graduate degree which meets the requirements of 245 CMR 2.05;~~
- ~~(d) — Written documentation satisfactory to the Board that the applicant has successfully completed an administrator-in-training (AIT) program which meets the requirements of 245 CMR 2.07, or has otherwise received credit for completion of the administrator-in-training (AIT) program requirement in accordance with 245 CMR 2.05(3);—~~
- ~~(e) — A 2" x 2" unmounted photograph of the applicant taken within the last three months; and~~
- ~~(f) — A check or money order made payable to the Commonwealth of Massachusetts for the amount of the examination fee, as set by the Commissioner for Administration and Finance pursuant to M.G.L. c. 7, § 3B.~~

~~(2) — In the case of an applicant convicted of a misdemeanor or a felony by any court in the United States, a certificate of good conduct, or equivalent document, from the parole board or probation officer must be provided to the Board.~~

~~(3) — Applicants may be required to present themselves before the Board at a time and place designated by the Board.~~

### ~~2.07: Administrator In Training Program Requirements~~

~~Each applicant for licensure shall complete an administrator-in-training (AIT) program, or obtain credit for completion of that requirement, as required by 245 CMR~~

~~2.05, prior to being granted a license by the Board. To be acceptable, an administrator in training (AIT) program shall meet all of the following requirements:~~

~~(1) — General Requirements.~~

~~(a) — An administrator in training program shall be provided only in a “skilled nursing facility”, as defined by the Health Care Financing Administration of the United States Department of Health and Human Services, which has a capacity of at least 50 nursing beds.~~

~~(b) — An administrator in training program shall be provided only under the direct, personal supervision of a qualified preceptor who meets the requirements of 245 CMR 2.07(4);~~

~~(c) — The license applicant and the preceptor who will supervise the training shall submit a written request for approval of the license applicant’s proposed administrator in training program prior to the start of the training. The request for approval shall be accompanied by a complete study plan which meets the requirements of 245 CMR 2.07(2), and a signed agreement between the preceptor and the license applicant as required by 245 CMR 2.07(4).~~

~~(d) — An administrator in training program shall include adequate provisions for monitoring the license applicant’s progress in the program, which shall, at a minimum, meet the requirements of 245 CMR 2.07(4).~~

~~(e) — Credit towards completion of the administrator in training program shall be granted only for:~~

~~1. — Administrator in training programs which have been approved by the Board in writing prior to the start of the training; or~~

~~2. — Internships or work experience which qualify for credit pursuant to 245 CMR 2.05(3).~~

~~(2) — Clinical Training Experience Study Plan — An administrator in training (AIT) program shall include a Clinical Training Experience Study Plan, prepared by the preceptor and the license applicant. The license applicant shall actively participate in the development of this plan. The plan shall integrate the license applicant’s academic preparation and clinical work, shall be approved by the Board prior to the start of the training, and shall, at a minimum:~~

~~(a) — provide the setting in which the license applicant may acquire the specific competencies to function initially in a professional capacity in a long-term care facility;~~

~~(b) — expose the license applicant to a role model, a practicing administrator who will provide insight into the managerial, ethical and professional responsibilities involved in providing long-term care;~~

~~(c) — provide the license applicant with an opportunity to integrate the academic theory and knowledge acquired with practice in the facility;~~

~~(d) — acquaint the license applicant with a particular patient population, the clinical health professionals in the long-term health care field, and the range of service programs offered in the facility;~~

~~(e) — help the license applicant to develop objective methods of evaluating~~

~~long-term care;~~

~~(f) — introduce the license applicant to the external factors which have impact on a long-term care facility; community organizations, regulations, reimbursement constraints, survey procedure and public attitudes;~~

~~(g) — acquaint the license applicant with the interface between the long-term care facility and other facets of the health care system.~~

~~(3) — License Applicant Qualifications. The license applicant seeking approval of his or her administrator in training (AIT) program shall demonstrate to the satisfaction of the Board:~~

~~(a) — that he is in good health;~~

~~(b) — that he is of good moral character;~~

~~(c) — that he is suitable and fit to be licensed and to practice as a nursing home administrator;~~

~~(d) — that he has successfully completed a course of study and has been awarded a degree from an accredited college or university which meets the requirements of 245 CMR 2.05(1); and~~

~~(e) — that he has an agreement with an approved preceptor who will provide the Clinical Training;~~

~~(4) — Preceptor Qualifications and Requirements.~~

~~(a) — The preceptor shall have a current valid Massachusetts Nursing Home Administrator's license and shall have practiced as a full-time nursing home administrator for at least five years immediately preceding the preceptorship.~~

~~(b) — The preceptor shall be a full-time administrator in the facility where the training will take place or shall otherwise provide direct, on-site supervision to the license applicant in a manner approved in writing by the Board.~~

~~(c) — The preceptor shall provide tutorial education in the clinical setting of the long-term care facility;~~

~~(d) — The preceptor shall prepare an agreement, signed by the license applicant and himself, indicating specifically the duration of the administrator in training program and the responsibility of each party in fulfilling the terms of the agreement.~~

~~(e) — The preceptor shall complete a Clinical Training Experience Study Plan for the entire training period, which shall be approved by the Board prior to the start of the training.~~

~~(f) — The preceptor shall meet with the license applicant at least weekly, review the study plan, and present both oral and written progress reports regarding the clinical training.~~

~~(g) — At each three-month interval the preceptor shall submit to the Board a report which evaluates the performance of the license applicant on the subjects covered during the previous three months of the administrator in training program. The final report shall be accompanied by the Board-approved notarized statement.~~

2.08:: Subjects for Examination

## 245 CMR: BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

~~(1) — In the compulsory examination, subject areas for examination shall include but not be limited to patient care, management and supervision, finance and budget, community relations, and applicable law and regulations.~~

~~(2) — Upon request, the Board shall inform the applicant of pre-examination information made available by the company preparing the examination.~~

### ~~2.09: Licenses~~

~~Applicants who have qualified to take the examination, have paid the required fees and have passed the examination shall be issued a license by the Board.~~

### ~~2.10: Disqualification and Re Examination~~

~~(1) — Applicants who do not meet the requirements to sit for examination as set forth in 245 CMR 2.00 shall be disqualified from taking the examination and shall be so notified by the Board at least 30 days prior to the examination date. Such persons may, within ten days of the issuance of this notification of disqualification, petition the Board for a hearing on this matter.~~

~~(a) — If the applicant's appeal is successful, the Board shall allow the applicant to sit for the examination.~~

~~(b) — If the applicant's appeal is unsuccessful or, if he does not properly appeal the disqualification, he shall complete a new application in order to take a subsequent examination. Such applicants shall meet the prerequisites for application in effect at the time of re-application.~~

~~(2) — Applicants who do not pass an examination shall re-apply to sit for a subsequent examination and shall meet the prerequisites for application in effect at the time of re-application.~~

### ~~2.11: Annual Relicensure~~

~~(1) — Every licensed nursing home administrator shall apply for renewal of his or her license on or before June 30 of each calendar year. Said application shall be accompanied by a registration fee, and the applicant shall attest, under the pains and penalties of perjury, that he or she is in compliance with the continuing education requirements of 245 CMR 2.12.~~

~~(2) — The Board may suspend, revoke, or refuse to renew the license of a nursing home administrator who fails to submit his or her application for renewal of his or her license in a timely manner or who fails to comply with the continuing education requirements of 245 CMR 2.12.~~

### ~~2.12: Continuing Education Requirements~~

245 CMR: BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

~~(1) — Number of Contact Hours Required. Effective July 1, 2000, every licensed nursing home administrator, as a condition for renewal of his or her license, shall complete a minimum of 40 contact hours of continuing education in continuing education activities which meet the applicable requirements of this section between July 1 of each even-numbered calendar year and June 30 of the next even-numbered calendar year. A licensed nursing home administrator who has been licensed for less than 19 months as of June 30 of any even-numbered calendar year shall be exempt from this continuing education requirement for the two-year period which ends on that date.~~

~~(2) — Methods of Earning Continuing Education Contact Hours. A licensed nursing home administrator may earn continuing education contact hours for any of the following types of continuing education activities, as long as those continuing education activities meet all applicable requirements of 245 CMR 2.12(3) and 245 CMR 2.12(4):~~

~~(a) — Attending a graduate or undergraduate level course or seminar for which academic credit is granted by an educational institution which is accredited by the United States Department of Education or is otherwise approved by the Board;~~

~~(b) — Attending a course, program, seminar, conference, workshop or similar educational event within the Commonwealth of Massachusetts which is presented, sponsored or approved by a state or federal governmental agency which has statutory authority and responsibility for regulating the operation of nursing homes or overseeing the provision of long term care services;~~

~~(c) — Attending a course, program, seminar, conference, workshop or similar educational event within the Commonwealth of Massachusetts which is presented, sponsored or approved by an educational institution or professional organization which meets the requirements of 245 CMR 2.12(4) and has been granted “deemed” status by the Board;~~

~~(d) — Attending a course, program, seminar, conference, workshop or similar educational event outside the Commonwealth of Massachusetts which has been approved for continuing education credit by the National Association of Boards of Examiners of Long Term Care Administrators or its successor agency;~~

~~(e) — Teaching a graduate or undergraduate level course or seminar which meets the criteria set forth in 245 CMR 2.12(2)(a) for the first time;~~

~~(f) — Teaching a course or seminar, delivering a lecture, presenting a paper or presenting a program or workshop for the first time at any continuing education event which meets the requirements of 245 CMR 2.12(2)(b), 245 CMR 2.12(2)(c) or 245 CMR 2.12(2)(d);~~

~~(g) — Publishing an article or paper in a juried professional journal for the first time;~~

~~(h) — Completing a self-study program which meets the special requirements of 245 CMR 2.12(4)(b)2.; or~~

~~(i) — Completing any other individual continuing education activity which is approved by the Board pursuant to 245 CMR 2.12(6).~~

~~(3) — Amount of Credit Earned. The amount of continuing education contact hours to be granted shall be determined as follows:~~

245 CMR: BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

- ~~(a) — A licensed nursing home administrator who attends a graduate or undergraduate level course or seminar for which an educational institution grants academic credit shall earn ten continuing education contact hours for each hour of academic credit received;~~
- ~~(b) — A licensed nursing home administrator who attends a course, seminar, program, conference, workshop or similar event which meets the requirements of 245 CMR 2.12(2)(b), 245 CMR 2.12(2)(c) or 245 CMR 2.12(2)(d) shall earn a number of continuing education contact hours equal to the actual number of hours of instruction actually provided;~~
- ~~(c) — A licensed nursing home administrator who teaches a graduate or undergraduate level course or seminar at an educational institution shall earn ten continuing education contact hours for each hour of academic credit awarded for that course or seminar, but shall not earn more than 50% of the total number of continuing education contact hours required for any two year period through this method;~~
- ~~(d) — A licensed nursing home administrator who teaches a course or seminar or presents a program or workshop at a continuing education event which meets the requirements of 245 CMR 2.12(2)(b), 245 CMR 2.12(2)(c) or 245 CMR 2.12(2)(d) shall earn a number of continuing education contact hours equal to the actual number of hours of instruction he or she actually provided;~~
- ~~(e) — A licensed nursing home administrator who presents a paper shall earn four continuing education contact hours for each hour of lecture time involved in that presentation;~~
- ~~(f) — A licensed nursing home administrator who publishes an article in a juried professional journal shall earn ten continuing education contact hours for that article, but shall not earn more than 50% of the total number of continuing education contact hours required during any two year period through this method;~~
- ~~(g) — A licensed nursing home administrator who completes a self study program, or an individual continuing education activity approved by the Board pursuant to 245 CMR 2.12(6), shall earn the number of continuing education contact hours approved by the Board for that activity.~~

~~(4) — Content and Program Administration Requirements. Continuing education contact hours shall be granted for a continuing education activity only if it meets the content requirements of 245 CMR 2.12(4)(a) and all applicable program administration requirements of 245 CMR 2.12(4)(b).~~

~~(a) — Content Requirements. Continuing education contact hours shall be granted for any continuing education activity only if:~~

- ~~1. — That continuing education activity contributes to the professional competence of nursing home administrators and/or improves their ability to carry out their professional responsibilities; and~~
- ~~2. — The subject matter of that continuing education activity pertains to one of the following domains of practice as a nursing home administrator:~~
  - ~~a. — Resident care management;~~
  - ~~b. — Personnel management;~~
  - ~~c. — Financial management;~~

- ~~d. Environmental management; or~~
- ~~e. Community relations.~~
- ~~(b) Program Administration Requirements.~~
  - ~~1. Courses, Seminars, Conferences, Workshops and Similar Events.~~

~~Continuing education contact hours shall be granted for a course, seminar, program, conference, workshop or similar event only if:~~

    - ~~a. The course, seminar, program, conference or workshop is open and available to any and all licensed nursing home administrators. Programs which are offered only to specific individual facilities, companies or entities are not eligible for continuing education contact hours;~~
    - ~~b. The educational institution or professional organization which sponsors or presents the event has sufficient expertise in the subject matter or in adult education or both;~~
    - ~~c. Each member of the faculty for the course, seminar, program, conference or workshop has sufficient experience and/or educational background in the subject matter he or she will be presenting;~~
    - ~~d. The learning objectives for the course, seminar, program, conference or workshop are clearly spelled out;~~
    - ~~e. The teaching methods used in presenting the subject matter are suitable for both the audience and the subject matter;~~
    - ~~f. Attendance at the course, seminar, program, conference or workshop is monitored and certificates or other written evidence of completion of the continuing education activity are distributed only to those licensees who attend the entire course or program;~~
    - ~~g. Courses or seminars for which academic credit is offered are considered successfully completed only if the attendee receives a passing grade for the course or seminar;~~
    - ~~h. The course, seminar, program, conference or workshop has a program evaluation component, the results of which shall be made available to the Board upon request;~~
    - ~~i. The number of continuing education contact hours awarded to an attendee does not exceed the actual time of instruction; and~~
    - ~~j. The responsibility for approval of a particular course, seminar, program, conference or workshop rests with an appropriately qualified long term care professional or professional educator.~~
  - ~~2. Self Study Programs.~~

~~Continuing education contact hours shall be granted for a self study program only if:~~

    - ~~a. The self study program is in a videocassette, audiocassette, or written format;~~
    - ~~b. The self study program contains both a pre test and a post test;~~
    - ~~c. A certificate of completion of the self study program is awarded to a licensee only if he or she obtains a passing score of~~

~~75% or better on the post-test; and~~

~~d. The self-study program materials adequately describe the number of study hours required for successful completion of the program.~~

~~(5) “Deemed” Status for Educational and Professional Organizations. A Massachusetts health care or educational organization shall be granted “deemed” status by the Board, and may approve continuing education activities for continuing education contact hours, only if:~~

~~(a) The health care or educational organization files a written application for “deemed” status with the Board;~~

~~(b) The health care or educational organization agrees in writing to ensure that all continuing education activities presented, sponsored or approved by that organization meet all applicable program content and administration requirements of 245 CMR 2.12(4);~~

~~(c) The health care or educational organization provides the Board with a written list of all continuing education activities presented, sponsored or approved by that organization; and~~

~~(d) The health care or educational organization establishes and maintains written records of who attended each continuing education activity presented, sponsored or approved by that organization, and provides a copy of such records to the Board.~~

~~The Board may, by majority vote, rescind the “deemed” status of any Massachusetts health care or educational organization at any time for failure to comply with any applicable requirement of 245 CMR 2.12 or for other good cause shown.~~

~~(6) Approval of Individual Continuing Education Activities by Board. An individual licensed nursing home administrator may obtain approval directly from the Board for a continuing education activity. Such approval shall be granted only if the individual licensed nursing home administrator submits written documentation satisfactory to the Board that the continuing education activity in question meets all applicable program content and program administration requirements of 245 CMR 2.12(4).~~

~~(7) Verification of Continuing Education.~~

~~(a) Each licensed nursing home administrator shall maintain a record of all continuing education activities he or she has completed for a period of not less than four consecutive licensure periods, inclusive of the licensure period during which the course or program was completed.~~

~~(b) Upon written request by the Board, a licensed nursing home administrator shall furnish to the Board such information as the Board may reasonably require about any or all continuing education activities completed by him or her. A licensed nursing home administrator who is requested to submit such verification of his or her continuing education activities shall submit written verification of all of the following:~~

~~1. The name or title of the continuing education activity in question;~~

- ~~2. — The date on which the continuing education activity in question was presented or completed;~~
- ~~3. — A copy of the certificate of completion or other written evidence of completion of the continuing education activity in question;~~
- ~~4. — The number of continuing education contact hours awarded for the activity in question; and~~
- ~~5. — The name of the agency, educational institution or professional organization which authorized the award of continuing education contact hours for the activity in question.~~

~~Failure or refusal to provide timely proof of completion of the number of continuing education contact hours required by 245 CMR 2.12(1) upon the request of the Board shall constitute grounds for disciplinary action by the Board, including but not limited to refusal to renew the license.~~

### ~~2.13: Reinstatement~~

~~(1) — Reinstatement of License Within Three Years After Expiration. A nursing home administrator who fails to file his or her application for renewal of his or her license on or before July 1, or who otherwise fails to meet the requirements for renewal of his or her license, may obtain reinstatement of that license within three years after the date on which that license expired if:~~

- ~~(a) — He or she submits an application to have that license reinstated;~~
- ~~(b) — He or she pays all license renewal and other fees due for the current licensure period and all previous licensure periods dating back to the date on which his or her license first expired; and~~
- ~~(c) — He or she submits written proof satisfactory to the Board that he or she has completed at least 20 hours of continuing education in programs or courses which meet the requirements of 245 CMR 2.12 for the current licensure period and each licensure period which has elapsed since the date on which his or her license first expired.~~

~~(2) — Reinstatement of License Three Years or More After Expiration. A nursing home administrator who fails to file his or her application for renewal of his or her license on or before July 1, or who otherwise fails to meet the requirements for renewal of his or her license, may obtain reinstatement of that license three years or more after the date on which that license expired only if:~~

- ~~(a) — He or she submits an application to have that license reinstated; and~~
- ~~(b) — He or she takes and passes the licensure examination required by 245 CMR 2.05(4).~~

~~(3) — Denial of Reinstatement. The Board may, after due notice and hearing, deny any application for reinstatement filed pursuant to 245 CMR 2.13(1) or 245 CMR 2.13(2) if it finds that the applicant has practiced as a nursing home administrator without a license in violation of M.G.L. c. 112, § 116, or has otherwise engaged in any course of conduct which would constitute grounds for disciplinary action by the Board pursuant to 245 CMR 2.15.~~

~~2.14: License Verification~~

~~A \$10.00 fee shall be required from any nursing home administrator who requires that a duplicate of his original license be sent to him. A \$5.00 fee shall be required if a certificate of verification of a license renewal is requested. Renewal certificates cannot be duplicated.~~

~~2.15: Grounds for Disciplinary Action~~

~~The Board may, by majority vote after a hearing conducted in accordance with M.G.L. c. 30A and 801 CMR 1.00 *et. seq.*, take disciplinary action against any nursing home administrator who holds a license issued pursuant to M.G.L. c. 112, §§ 108 through 117 and 245 CMR 2.00, or any applicant for such a license. Grounds for such disciplinary action shall include, but shall not be limited to:~~

- ~~(1) Failing to exercise proper regard for the health, safety and welfare of his patients; or~~
- ~~(2) Conviction of a felony or misdemeanor in any state or federal court; or~~
- ~~(3) Engaging in fraudulent or deceptive practices; or~~
- ~~(4) Violation of local, state or federal statutes or regulations related to nursing home administration; or~~
- ~~(5) Engaging in discriminatory practices on the basis of race, religion, handicap, sex, age, or ethnic origin; or~~
- ~~(6) Practicing while his or her ability to practice is impaired as a result of the use of alcohol, drugs, or mental illness.~~

~~For purposes of 245 CMR 2.15, the term "disciplinary action" shall include, but shall not be limited to: denial, revocation or suspension of a license; refusal to renew a license; issuance of a letter of censure; issuance of a written reprimand; or placement of a licensee on probation.~~

~~2.16: Complaints~~

~~Any person or agency may file a written complaint against a nursing home administrator. The complaint shall be addressed to the Board, shall contain all facts relevant to the complaint, and shall be signed.~~

~~2.17: Reciprocity~~

~~The Board may approve the licensing of a nursing home administrator from~~

## 245 CMR: BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

~~another state, providing the Administrator demonstrates that he can meet current Massachusetts licensing standards. Documentation of conformance to these standards, mailed to the Board, may be satisfied by submission of:~~

- ~~(1) — a copy of a current valid nursing home license in the State from which the nursing home administrator is coming;~~
- ~~(2) — documentation that the nursing home administrator is in compliance with the continuing education standards in Massachusetts at the time of application;~~
- ~~(3) — evidence that the Administrator has satisfactorily passed an approved Nursing Home Examination given by either the Professional Examination Service or the National Association of Boards of Examiners of Nursing Home Administrators;~~
- ~~(4) — written documentation of education and background experience in the field of long-term care administration;~~
- ~~(5) — a reciprocity fee payment to be set by the Commissioner for Administration and Finance.~~
- ~~(6) — An individual who holds a valid license as a nursing home administrator in another state or territory of the United States and who also holds a current certification as a nursing home administrator from the American College of Healthcare Administrators shall be presumed to meet all of the requirements for reciprocity set forth in this section.~~

### ~~2.18: Hearing Procedure~~

~~The Board herewith adopts the standard rules for adjudicatory proceedings to be filed with the Secretary of State by the Secretary of Administration and Finance before July 1, 1978, pursuant to St. 1978, c. 60.~~

### ~~2.19: Suspension Prior to Hearing~~

~~If, based upon affidavits or other documentary evidence, the Board determines that a licensee is an immediate or serious threat to the public health, safety, or welfare, the Board may suspend or refuse to renew a license pending a final hearing on the merits of the allegations regarding the licensee. A hearing limited to the determination of the necessity of the summary action shall be afforded the licensee within seven days of the Board's action.~~

## REGULATORY AUTHORITY

245 CMR 2.00: M.G.L. c. 13, § 74, ~~of M.G.L. c. 13, §§ 9, 74 and M.G.L. c. 112, §§ 108 through 117.~~