

245 CMR: BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

245 CMR 5.00 PROFESSIONAL AND ETHICAL STANDARDS OF CONDUCT FOR NURSING HOME ADMINISTRATORS

Section

5.01: Purpose

5.02: Standards of Conduct for Nursing Home Administrators

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245 CMR 5.00 defines the standards of conduct for all Nursing Home Administrators licensed by the Board of Registration of Nursing Home Administrators.

5.02: Standards of Conduct for Nursing Home Administrators.

The Standards of Conduct for Nursing Home Administrators include:

- (1) Use of Title. A Nursing Home Administrator shall only identify himself or herself as a Nursing Home Administrator while in possession of a current license;
- (2) Misrepresentation of Credentials. A Nursing Home Administrator shall not misrepresent his or her credentials related to the practice of Nursing Home Administration including, but not limited to, education, type of license, professional experience, or any other credential related to his or her work as a Nursing Home Administrator.
- (3) Practice Under a False or Different Name. A Nursing Home Administrator shall engage in the practice of Nursing Home Administration only under the name in which such license has been issued.
- (4) Acts within Scope of Practice. A Nursing Home Administrator shall only perform acts within the scope of practice.
- (5) Competency. A Nursing Home Administrator shall only assume those duties and responsibilities within his or her scope of practice and for which he or she has acquired and maintained necessary knowledge, skills, and abilities.
- (6) Responsibility and Accountability. A Nursing Home Administrator shall be responsible and accountable for his or her judgments, actions, and competency in the course of performing his or her duties as a Nursing Home Administrator.
- (7) Documentation. A Nursing Home Administrator shall make complete, accurate, and legible entries in all records required by federal, state and local laws and regulations.
- (8) Falsification of Information. A Nursing Home Administrator shall not knowingly falsify, or attempt to falsify, any documentation or information related to any aspect of licensure as a Nursing Home Administrator, the practice of Nursing Home Administration or the delivery of Nursing Home Administrator services.

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- (9) Alteration or Destruction of Records. A Nursing Home Administrator shall not inappropriately destroy or alter any record related to his or her work as a Nursing Home Administrator.
- (10) Discrimination. A Nursing Home Administrator shall not withhold or deny care or services based on age, ancestry, marital status, sex, sexual orientation, gender identity, race, color, religious creed, national origin, diagnosis, or mental or physical disability.
- (11) Resident Abuse, Neglect, Mistreatment, or Other Harm. A Nursing Home Administrator shall not abuse, neglect, mistreat, or otherwise harm a resident.
- (12) Infection Control. A Nursing Home Administrator shall not place a resident, himself or herself, or others at undue risk for the transmission of infectious diseases.
- (13) Resident Dignity and Privacy. A Nursing Home Administrator shall safeguard a resident's dignity and right to privacy.
- (14) Resident Confidential Information. A Nursing Home Administrator shall safeguard resident information from any person or entity, not entitled to such information. A Nursing Home Administrator shall share appropriate information only as required by law or authorized by the resident for the well-being or protection of the resident.
- (15) Sexual Contact. A Nursing Home Administrator shall not have sexual contact with any resident with whom he or she has a current Nursing Home Administrator /resident relationship or with any former resident who may be vulnerable by virtue of disability, age, illness, or cognitive ability.
- (16) Professional Boundaries. A Nursing Home Administrator shall establish and observe professional boundaries with respect to any resident with whom he or she has a current Nursing Home Administrator /resident relationship. A Nursing Home Administrator shall continue to observe professional boundaries with his or her former residents who may be vulnerable by virtue of disability, age, illness, or cognitive ability.
- (17) Exercise of Undue Influence. A Nursing Home Administrator shall not exercise undue influence on a resident, including the promotion or sale of services, goods, appliances or drugs, in such a manner as to exploit the resident for financial gain for the benefit of the Nursing Home Administrator, the Nursing Home or a third party.
- (18) Borrowing from residents. A Nursing Home Administrator shall not borrow money, materials, or other property from any resident.
- (19) Undue Benefit or Gain. A Nursing Home Administrator shall interact with residents without undue benefit or gain to the Nursing Home Administrator, the Nursing Home or a third party.
- (20) Relationship Affecting Professional Judgment. A Nursing Home Administrator shall not initiate or maintain a Nursing Home Administrator /resident relationship that is

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likely to adversely affect the Nursing Home Administrator's professional judgment.

(21) Advertising. A Nursing Home Administrator shall not engage in false, deceptive, or misleading advertising related to Nursing Home Administration.

(22) Fraudulent Practices. A Nursing Home Administrator shall not engage in any fraudulent practice including, but not limited to, billing for services not rendered or submitting false claims for reimbursement.

(23) Impersonation. A Nursing Home Administrator shall not impersonate another Nursing Home Administrator or other health care provider, or knowingly allow or enable another person to impersonate him or her.

(24) Aiding Unlawful Activity. A Nursing Home Administrator shall not aid any person in performing any act prohibited by law or regulation.

(25) Circumvention of Law. A Nursing Home Administrator shall not receive from, or offer, give, or promise anything of value or benefit to, any official to circumvent any federal, state or local laws or regulations.

(26) Practice While Impaired. A Nursing Home Administrator shall not act as a Nursing Home Administrator while impaired.

(27) Unlawful Acquisition and Possession of Controlled Substances. A Nursing Home Administrator shall not unlawfully obtain or possess controlled substances.

(28) Duty to Report to the Board. A Nursing Home Administrator has a duty to report to the Board if he or she directly observes another Nursing Home Administrator:

- (a) abuse a resident;
- (b) practice Nursing Home Administration while impaired by substance use;
or
- (c) divert controlled substances.

(29) Violence. A Nursing Home Administrator shall not endanger the safety of the public, residents, or coworkers by making actual or implied threats of violence, or carrying out an act of violence.

(30) Compliance with Agreements and Orders. A Nursing Home Administrator shall comply with all provisions contained:

- (a) in any agreement he or she has entered into with the Board; or
- (b) in any order issued to him or her by the Board.

REGULATORY AUTHORITY:

245 CMR 5.00: M.G.L. c. 112, §§ 115-117, 264