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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205)

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Board of Examiners for Nursing Home Administrators
Division:	
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1020-01	General Rules Governing Nursing Home Administrators
Rule Number	Rule Title
1020-01-.01	Definitions
1020-01-.02	Fees
1020-01-.05	Temporary Licenses
1020-01-.07	Qualifications for Licensure

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Rule Chapter 1020-01
General Rules Governing Nursing Home Administrators

Amendments

Rule 1020-01-.01 Definitions is amended by adding new paragraph (13) and by re-lettering the remaining paragraphs, so that as amended, the new paragraph shall read:

- (13) HSE. Health Services Executive Qualification. A qualification offered by The National Association of Boards of Examiners for Long Term Care Administrators.

Authority: T.C.A. §§ 63-16-101, 63-16-103, 63-16-105, 63-16-107, and 63-16-108.

Rule 1020-01-.02 Fees is amended by adding new subparagraph (1)(c) and by re-lettering the remaining subparagraphs, so that as amended, the new subparagraph shall read:

- (1) (c) Temporary Licensure Fee. A non-refundable fee to be paid upon application for temporary licensure. \$50.00

Authority: T.C.A. §§ 63-1-106, 63-1-107, 63-1-118, 63-16-103, 63-16-104, 63-16-105, 63-16-106, 63-16-107, and 63-16-109.

Rule 1020-01-.05 Temporary Licenses is amended by deleting the rule in its entirety, but not the rule title, and substituting the following language, so that as amended, the new rule shall read:

The Board may issue temporary licenses under limited circumstances pursuant to T.C.A. § 63-16-104(b). An applicant may apply for temporary licensure to fill a position of nursing home administrator that unexpectedly becomes vacant. To receive a temporary license, the individual must either be licensed in another state or meet the majority of the board's standards for licensure. If the individual holding a temporary license must take the board required examination to be fully licensed and fails to achieve the required scores, the temporary license shall be revoked. A temporary license shall not to exceed six (6) months.

Authority: T.C.A. §§ 63-16-103 and 63-16-104.

Rule 1020-01-.07 Qualifications for Licensure is amended by deleting subparagraphs (7)(b) and (7)(c) in their entirety and substituting instead the following language, and is further amended by adding new subparagraph (7)(d), so that as amended, the new subparagraphs shall read:

- (7) (b) An applicant must demonstrate to the Board's satisfaction a successful completion of requirements that are substantially equivalent to or exceed the requirements for certification by the American College of Health Care Administrators; or
- (c) An applicant must demonstrate to the Board's satisfaction successful completion of NAB's Health Service Executive (HSE) qualification; or
- (d) An applicant working for a minimum of five (5) of the last seven (7) years as a licensed nursing home administrator in another state in lieu of a degree or in lieu of an A.I.T. program.

Authority: T.C.A. §§ 63-16-103, 63-16-104, 63-16-105, 63-16-106, and 63-16-109.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Florence Weierbach	X				
Cynthia Wheeler	X				
Vincent Davis	X				
Barbara Trautman	X				
David Keeling	X				
Nyda Bays	X				
Marilyn Key	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Examiners for Nursing Home Administrators on 03/02/2020, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 10/28/2019

Rulemaking Hearing(s) Conducted on: (add more dates). 03/02/2020

Date: 12/10/2021

Signature: 

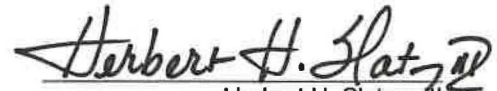
Name of Officer: Matthew Gibbs

Title of Officer: Deputy General Counsel, Department of Health

Agency/Board/Commission: Board of Examiners for Nursing Home Administrators

Rule Chapter Number(s): 1020-01

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.



Herbert H. Slatery III
Attorney General and Reporter

12/13/2021

Date

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Secretary of State
Division of Publications

Filed with the Department of State on: 12/15/2021

Effective on: 3/15/2022



Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

There were no public comments to the proposed amendments to the Rules.

Dr. Weierbach, member of the Board of Examiners for Nursing Home Administrators, made a comment about her excitement of these rule changes by acknowledging the expertise that is required for individuals outside of an acute care facility to receive the full spectrum of care they need. She further stated that the Board has grappled with the issue of temporary license for some time along with the Board for Licensing Health Care Facilities and is glad to know that we are finally able to get this under control to better allow our most vulnerable elderly individuals to get the care they need.

Mr. Davis, member of the Board of Examiners for Nursing Home Administrators, posed the question of ending the temporary license waivers currently being issued by the Board for Licensing Health Care Facilities. Ms. Caroline Tippens, Senior Associate Counsel for the Department of Health, informed that this does not affect the issuing of the temporary waiver received from the facility, but is designed work with the facility waiver to allow individuals to obtain a direct temporary license more quickly without the need to wait to be reviewed before the full Board.

Mr. Keeling, member of the Board of Examiners for Nursing Home Administrators, posed the question as to the time frame that these Rule changes would take effect. Ms. Tippens informed the board that the Rule changes would still need to be reviewed by the Governor's office and the Attorney General's office for constitutionality and legality. Once approved by both offices, it will be filed with the Secretary of State's office and will become effective within 90 days, pending approval by the Government Operations Committee.

After a final call for comments from the public and Board Members, Ms. Tippens called a close to the Rulemaking Hearing.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

- (1) The extent to which the rule or rules may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

These rules do not overlap, duplicate, or conflict with other federal, state, and local government rules.

- (2) Clarity, conciseness, and lack of ambiguity in the rule or rules.

These rules establish clarity, conciseness, and lack of ambiguity.

- (3) The establishment of flexible compliance and/or reporting requirements for small businesses.

These rule amendments do not create any new compliance or reporting requirements.

- (4) The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.

These rule amendments do not create any additional deadlines for compliance and/or reporting requirements for small businesses.

- (5) The consolidation or simplification of compliance or reporting requirements for small businesses.

These rule amendments do not create any new compliance or reporting requirements.

- (6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.

These rule amendments do not establish performance standards for small businesses as opposed to design or operational standards required for the proposed rule.

- (7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

These rule amendments do not create unnecessary barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

The proposed rule amendments should not have a financial impact on local government.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1020-01-.01 regarding definitions is amended by adding a new definition of HSE, health services executive qualification, which is a qualification offered by the National Association of Boards of Examiners for Long Term Care Administrators.

Rule 1020-01-.02 regarding fees is amended by adding a temporary licensure fee, which is a non-refundable fee to be paid upon application for temporary licensure and is in the amount of fifty dollars (\$50.00).

Rule 1020-01-.05 regarding temporary licensure is amended to allow the Board to issue temporary licenses under limited circumstances pursuant to T.C.A. § 63-16-104(b). An applicant may apply for temporary licensure to fill a position of a nursing home administrator that unexpectedly becomes vacant. To receive a temporary license, the individual must either be licensed in another state or meet the majority of the Board's standards for licensure. If the individual holding a temporary license must take the Board required examination to be fully licensed and fails to achieve the required scores, the temporary license shall be revoked. A temporary license shall not exceed six (6) months.

Rule 1020-01-.07 is amended to allow an applicant to demonstrate—to the Board's satisfaction—a successful completion of requirements that are substantially equivalent to or exceed the requirements for certification by the American College of Health Care Administrators; an applicant must demonstrate to the Board's satisfaction successful completion of NAB's Health Service Executive (HSE) qualification; or an applicant working for a minimum of five (5) of the last seven (7) years as a licensed nursing home administrator in another state in lieu of a degree and/or in lieu of an A.I.T. program.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

None.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The proposed rule changes affect all applicants who wish to apply for licensure as a nursing home administrator in Tennessee.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

These rules do not affect state or local government revenues or expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Matthew Gibbs, Deputy General Counsel, Tennessee Department of Health

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Matthew Gibbs, Deputy General Counsel, Tennessee Department of Health

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Office of General Counsel, Department of Health, 665 Mainstream Drive, Nashville, TN 37243, (615) 741-1611, Matthew.Gibbs@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

**RULES
OF
TENNESSEE BOARD OF EXAMINERS FOR
NURSING HOME ADMINISTRATORS**

**CHAPTER 1020-01
GENERAL RULES GOVERNING NURSING HOME ADMINISTRATORS**

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(Rule 1020-01-.01, continued)

- (9) Clock Hour. The measure of time for continuing education courses which equals sixty (60) minutes.
- (10) Division. The Division of Health Related Boards of the Department of Health, from which the Board receives administrative support.
- (11) Domains of Practice - Those areas of nursing home administration defined by the “Job Analysis Study” conducted by NAB.
- (12) Facility. A licensed nursing home facility.
- (13) [HSE. Health Services Executive Qualification. A qualification offered by The National Association of Boards of Examiners for Long Term Care Administrators.](#)
- (~~13~~14) Jurisprudence Examination. The examination on Tennessee statutes and rules for nursing homes in Tennessee.
- (~~14~~15) Licensee. Any person who has been lawfully issued a license to practice nursing home administration in Tennessee.

- (~~45~~16) NAB. The National Association of Boards of Examiners for Long Term Care Administrators.
- (~~46~~17) NAB Examination. The nursing home administrators licensure examination developed by NAB.
- (~~47~~18) Nursing Home. Any institution or facility defined as such pursuant to state law or the rules and regulations for nursing homes promulgated by the Board for Licensing Health Care Facilities. This term shall apply equally to Christian Science Santeria and services therein.
- (~~48~~19) Practice of Nursing Home Administration. The planning, organizing, directing, or controlling of the operation of a nursing home.
- (~~49~~20) Preceptor. A licensee in a teaching role who has the training, knowledge, professional activity, and a facility at which he or she trains prospective nursing home administrators. The preceptor will coordinate the program of development of an A.I.T.
- (~~20~~21) Reciprocity Licensure. Licensure by endorsement from another state.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-16-101, 63-16-103, 63-16-105, 63-16-107, and 63-16-108. **Administrative History:** Original rule certified June 7, 1974. Amendment filed November 12, 1982; effective December 13, 1982. Repealed by Public Chapter 969; effective July 1, 1984. New rule filed December 17, 1991; effective January 31, 1992. Amendment filed June 19, 1995; effective September 2, 1995. Repeal and new rule filed December 14, 1999; effective February 27, 2000. Amendment filed August 6, 2002; effective October 20, 2002. Amendment filed September 4, 2003; effective November 18, 2003. Amendment filed December 9, 2005; effective February 22, 2006.

1020-01-.02 FEES.

- (1) The fees authorized by the Practice Act (T.C.A. §§ 63-16-101, et seq.) and other applicable statutes, to be established by the Board are as follows:
- | | | |
|-------------------|---|----------------|
| (a) | Application Fee. A nonrefundable fee to be paid each time an application for licensure is filed. | \$300.00 |
| (b) | License Renewal Fee. A biennial nonrefundable fee to be paid by all licensees. | \$150.00 |
| (c) | <u>Temporary Licensure Fee. A non-refundable fee to be paid upon application for temporary licensure.</u> | <u>\$50.00</u> |
| (e d) | State Regulatory Fee. A non-refundable fee to be paid upon licensure and biennially for renewal of licensure. | \$10.00 |
| (e e) | Late Renewal Fee. A non-refundable fee to be paid to reinstate an expired license. | \$200.00 |
| (e f) | Duplicate License Fee. A nonrefundable fee to be paid to obtain a duplicate license. | \$50.00 |
| (f g) | Certificate of Fitness Fee. A nonrefundable fee to be paid to obtain a certificate of fitness. | \$50.00 |
| (g h) | Jurisprudence Examination Fee. A nonrefundable fee to be paid each time a person takes the Board's jurisprudence examination. | \$150.00 |

1020-01-.05 TEMPORARY LICENSES. ~~The Board may issue temporary licenses under limited circumstances pursuant to T.C.A. § 63-16-104(b).~~

The Board may issue temporary licenses under limited circumstances pursuant to T.C.A. § 63-16-104(b). An applicant may apply for temporary licensure to fill a position of nursing home administrator that unexpectedly becomes vacant. To receive a temporary license, the individual must either be licensed in another state or meet the majority of the board's standards for licensure. If the individual holding a temporary license must take the board required examination to be fully licensed and fails to achieve the required scores, the temporary license shall be revoked. A temporary license shall not to exceed six (6) months.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-16-103, and 63-16-104. **Administrative History:** Original rule certified June 7, 1974. Amendment by Public Chapter 969; effective July 1, 1984. Repeal and new rule filed December 17, 1991; effective January 31, 1992. Repeal and new rule filed December 14, 1999; effective February 27, 2000. Amendment filed July 31, 2000; effective October 14, 2000. Amendment filed January 23, 2002; effective April 8, 2002. Amendment filed February 20, 2002; effective May 6, 2002. Repeal and new rule filed September 4, 2003; effective November 18, 2003.

(Rule 1020-01-.07, continued)

- (7) Licensure by reciprocity – An active license as a nursing home administrator in another state is required.
- (a) An applicant must demonstrate to the Board's satisfaction a successful completion of requirements that are substantially equivalent to or exceed the requirements of paragraphs (2), (3), (4), (5), or (6) of this rule; or
 - ~~(b) An applicant must demonstrate to the Board's satisfaction a successful completion of requirements that are substantially equivalent to or exceed the requirements for certification by the American College of Health Care Administrators.~~
 - (b) An applicant must demonstrate to the Board's satisfaction a successful completion of requirements that are substantially equivalent to or exceed the requirements for certification by the American College of Health Care Administrators; or
 - ~~(c) For those individuals applying for reciprocity, the Board may consider for licensure an individual working for a minimum of five (5) of the last seven (7) years as a licensed nursing home administrator in another state in lieu of a degree and/or in lieu of an A.I.T. program.~~
 - (c) An applicant must demonstrate to the Board's satisfaction successful completion of NAB's Health Service Executive (HSE) qualification; or
 - (d) An applicant working for a minimum of five (5) of the last seven (7) years as a licensed nursing home administrator in another state in lieu of a degree or in lieu of an A.I.T. program.