

Report on the

Board of Examiners of Nursing Home Administrators

Montgomery, Alabama



Department of Examiners of Public Accounts

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Rachel Laurie Riddle, Chief Examiner



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September 23, 2020

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Examiners of Nursing Home Administrators in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Examiners of Nursing Home Administrators, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Janet L. Berry

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PROFILE

Purpose/Authority

The Alabama Board of Examiners of Nursing Home Administrators was created by Act No. 986, Acts of Alabama 1969 in response to Section 1908 of the federal Social Security Act. Section 1908 requires that states adopt a program for licensing of administrators of nursing homes and provides that no nursing home within any state will operate except under the supervision of a licensed administrator. The *Code of Federal Regulations* (CFR) 42, Chapter IV, Subchapter C, part 431, Subpart N, requires that the state's Medicare plan must include a state program for licensing nursing home administrators as a condition of participation in Medicare and Medicaid programs. Section 431.703 specially requires that nursing homes may only operate if supervised by an administrator licensed in accordance with the requirements of subpart N.

Section 431.706 (a), requires that a state's nursing home administrator licensing Board must be composed of persons representing professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients, with the following restrictions:

- A majority of the Board members may not be representative of a single profession or category of institutions; and
- The members who are not representing institutions may not have a direct financial interest in any nursing home.

The *Code of Alabama 1975*, Section 34-20-1 through 34-20-16 provide the current statutory authority for the Board and authorize the Board to license and regulate the profession of nursing home administrators.

The Board does not regulate nursing homes. Nursing homes are licensed and regulated by the Alabama Department of Public Health.

The Board is closely associated with the Alabama Nursing Home Association. The *Code of Alabama 1975*, Section 34-20-8 makes the association an advisory council to the Board. The Board's office space is leased from the Association and the Board's executive secretary is also an employee of the Association. Attorney General's Opinion 81-00405 to the Hon. Frank G. Perryman, Chairman of the Board of Nursing Home Administrators, state that the Board may contract with the Alabama Nursing Home Association for office space.

<u>Characteristics</u>	
Members and Selection	<p>Seven members appointed by the Governor:</p> <ul style="list-style-type: none"> • Three nursing home administrators selected from a list of three nominees for each position submitted by the Alabama Nursing Home Association. • One licensed physician selected from a list of three nominees submitted by the Medical Association of the State of Alabama. • One hospital administrator selected from a list of three nominees submitted by the Alabama Hospital Association. • One licensed registered nurse selected from a list of three nominees submitted by the Alabama Nurses Association. • One consumer member <p><i>Code of Alabama 1975, Section 34-20-4(b) & (e)</i></p>
Term	<p>Staggered three-year terms and may not serve more than two consecutive full three-year terms. All members shall continue to serve until a successor is appointed by the Governor.</p> <p><i>Code of Alabama 1975, Section 34-20-4(d)</i></p>
Qualifications	<p>Members must be U.S. citizens and residents of Alabama.</p> <ul style="list-style-type: none"> • Nursing home administrator members must be licensed and registered. • The physician member must be actively concerned in a practice with the care of the chronically ill and infirm, aged patients. • The registered nurse member must have five years' experience as a geriatric nurse and who is actively serving as a director of nursing in a geriatric facility. • The consumer member, or the spouse or immediate family member of the consumer member must not be a licensee of the Board or employed in the nursing home profession. <p><i>Code of Alabama 1975, Section 34-20-4</i></p>
Consumer Representation	<p>One consumer member required by statute. One consumer member serving.</p> <p><i>Code of Alabama 1975, Section 34-20-4(b)</i></p>
Racial Representation	<p>No specific statutory requirement. One black member currently serving.</p>

Other Representation	The Board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 34-20-4(a)
Compensation	\$100 for time spent in the performance of official duties. Travel expense reimbursed at the same rate as state employees. <i>Code of Alabama 1975</i> , Section 34-20-4(h)
<u>Operations</u>	
Administrator	Katrina Magdon, Executive Secretary Part-time employee appointed by the Board Current Annual Salary - \$39,798.72 <i>Code of Alabama 1975</i> , Section 34-20-4(j)
Location	4156 Carmichael Road Montgomery, Alabama 36106 Monday-Friday - 8:00 a.m. – 12 p.m.
Employees	One part-time employee
Legal Counsel	Matt Bledsoe, Assistant Attorney General, employee with the Attorney General's Office
Subpoena Power	Yes, witnesses and records. <i>Code of Alabama 1975</i> , Section 34-20-14(4)(e)
Internet Presence	http://www.alboenha.alabama.gov <ul style="list-style-type: none"> ▪ Home ▪ Board ▪ Board Meetings ▪ Rules ▪ Course Approval ▪ Preceptor List ▪ Licensee Info ▪ Applications ▪ Qualifications ▪ Fee Schedule ▪ Forms ▪ FAQ ▪ Contact

Attended Board Member Training	Three Board Members Executive Secretary								
<u>Financial</u>									
Source of Funds	Licensing fees and fines								
State Treasury	Yes, Special Revenue Fund 0404								
Required Distribution	None								
Unused Funds	Year-end balances are retained for Board use, subject to appropriations.								
<u>Licensee Information</u>									
Licenses	<p>As of January 27, 2020</p> <table> <tr> <td>Nursing Home Administrators</td> <td>497</td> </tr> <tr> <td>Administrators-in-Training</td> <td>14</td> </tr> <tr> <td>Emergency Permits</td> <td><u>4</u></td> </tr> <tr> <td>Total</td> <td>515</td> </tr> </table> <p><i>Source:</i> Executive Secretary</p>	Nursing Home Administrators	497	Administrators-in-Training	14	Emergency Permits	<u>4</u>	Total	515
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Emergency Permits	<u>4</u>								
Total	515								
Licensee Demographics	Data not collected by the agency.								
Licensure Qualifications	<ul style="list-style-type: none"> • At least nineteen years of age; • A citizen of the United States of America or if not a citizen, a person who is legally present in the United States; • A high school graduate or completed an educational program equivalent thereto; • Complied with educational requirements and training requirements prescribed by the board; • Qualified for and passed the examination provided in this chapter; and • Paid the application fee. <p><i>Code of Alabama 1975, Section 34-20-9 and 11 Administrative Rule 620-X-7</i></p>								

Examinations	<p>Examinations are prepared by the National Association of Boards of Long-Term Care Administrators.</p> <p>Examinations are administered by Prometric Technology Centers in Birmingham, Dothan, Huntsville, Montgomery, and Mobile. Exam fees are paid directly to the testing centers.</p> <table border="1" data-bbox="574 449 1414 716"> <thead> <tr> <th colspan="5">Schedule of Examinations Results (NAB)</th> </tr> <tr> <th>Calendar Year</th> <th># Passed</th> <th># Failed</th> <th># Taken</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>27</td> <td>12</td> <td>39</td> <td>69.2%</td> </tr> <tr> <td>2017</td> <td>21</td> <td>15</td> <td>36</td> <td>58.3%</td> </tr> <tr> <td>2018</td> <td>38</td> <td>6</td> <td>44</td> <td>86.4%</td> </tr> <tr> <td>2019</td> <td>19</td> <td>20</td> <td>39</td> <td>48.7%</td> </tr> </tbody> </table> <table border="1" data-bbox="574 751 1414 1018"> <thead> <tr> <th colspan="5">Schedule of Examinations Reciprocity Results</th> </tr> <tr> <th>Calendar Year</th> <th># Passed</th> <th># Failed</th> <th># Taken</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>12</td> <td>4</td> <td>16</td> <td>75%</td> </tr> <tr> <td>2017</td> <td>18</td> <td>0</td> <td>18</td> <td>100%</td> </tr> <tr> <td>2018</td> <td>13</td> <td>1</td> <td>14</td> <td>92.9%</td> </tr> <tr> <td>2019</td> <td>15</td> <td>2</td> <td>17</td> <td>88.2%</td> </tr> </tbody> </table> <p><i>Source:</i> Executive Secretary <i>Code of Alabama 1975</i>, Sections 34-20-9 and 34-20-10</p>	Schedule of Examinations Results (NAB)					Calendar Year	# Passed	# Failed	# Taken	% Passed	2016	27	12	39	69.2%	2017	21	15	36	58.3%	2018	38	6	44	86.4%	2019	19	20	39	48.7%	Schedule of Examinations Reciprocity Results					Calendar Year	# Passed	# Failed	# Taken	% Passed	2016	12	4	16	75%	2017	18	0	18	100%	2018	13	1	14	92.9%	2019	15	2	17	88.2%
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Reciprocity	<p>The Board may issue a reciprocal license to an applicant who is licensed by a state or national organization whose requirements for licensure are substantially similar to Alabama’s and which offer similar endorsement and recognition to Alabama licensed nursing home administrators.</p> <p>The Board does not have any written agreements with any other states.</p> <p><i>Code of Alabama 1975</i>, Section 34-20-12</p>																																																												

Renewals	<p>Licenses are renewed annually on the last day of the month in which the original license was issued.</p> <p>If a licensee has not completed continuing education requirements by the time of renewal, the license expires, and the licensee must apply for an original license.</p> <p>If the licensee meets continuing education requirements, but the license is not renewed on time, the license becomes delinquent and may be renewed within a 90-day grace period with payment of a late fee.</p> <p>Online renewals are not available.</p> <p><i>Code of Alabama 1975, Section 34-20-13</i></p>
Continuing Education	<p>24 hours annually to renew an active license</p> <p><i>Code of Alabama 1975, Section 34-20-5(b)(2)</i> <i>Administrative Rule 620-X-6.01</i></p> <p>24 hours within the last year to reactivate an inactive license</p> <p><i>Code of Alabama 1975, Section 34-20-13(f)</i></p>

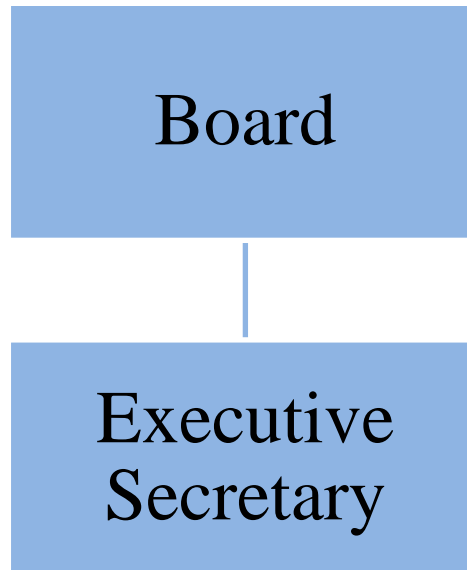
SIGNIFICANT ISSUES

No new significant issues.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved.

ORGANIZATION



PERSONNEL

The Board employs one part-time white female as an unclassified merit system employee.

Legal Counsel

Matt Bledsoe, Assistant Attorney General, an employee of the Attorney General’s Office provides legal counsel to the Board.

PERFORMANCE CHARACTERISTICS

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,903,185	515	9,521
Florida	21,477,737	1,677	12,807
Georgia	10,617,423	1,009	10,523
Mississippi	2,976,149	413	7,206
Tennessee	6,829,174	787	8,677
*Source: U.S. Census Bureau December 2019 Population Estimate			

Operating Disbursements per Licensee (FY 2019) - \$148.18

Notification to Licensee of Board Decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly and public hearings on proposed rules. Licenses are also notified on the Board’s website and the Alabama Nursing Home Association’s newsletter.

COMPLAINT HANDLING

The majority of complaints are filed by inspectors of the Department of Health Division of Heath Care Facilities Administration. The Department of Public Health is required to forward any instances of facilities that have deficiencies involving Substandard Quality of Care (SQC) or in Immediate Jeopardy (IJ) to the Board. The complaints involve deficiencies noted during health inspections of the facilities. For fiscal years 2016 through 2019, 36 of the 38 complaints received were filed by the Department of Public Health.

Initial Contact/Documentation	Complaints are only accepted in writing on the Alabama Board of Examiners of Nursing Home Administrator’s official complaint form located on their website. Complaints must be signed and include contact information.
Anonymous Complaints Accepted	No
Investigative Process/Probable Cause Determination	When a complaint is received that alleges unprofessional behavior, the Board investigates the complaint and determines if there is probable cause. A recommendation regarding probable cause is determined by the Board Chair, the attorney assigned to the Board, and the Executive Secretary. Once this group makes a determination, they present the case to the full Board for possible action. All information is presented in a redacted form to the full Board. This is done so that the Board can make a determination based on facts and not knowledge of the identity of the administrator.
Negotiated Settlements	Yes
Notification of Resolution to the Complainant	Complainants are not notified of the Board’s resolution of the complaint.

Source: Executive Secretary

Schedule of Complaints Resolved						
Fiscal Years 2016 through 2019						
Year/Number Received	Year/Number Resolved					Pending
	2016	2017	2018	2019	2020⁽¹⁾	
2016 / 7	6	1	-	-	-	-
2017 / 14		10	3	1	-	-
2018 / 7			4	2	-	1
2019 / 9				4	4	1
2020 / 1 ⁽¹⁾						1
(1) As of January 27, 2020						

Source: Executive Secretary

Average Time to Resolve Complaints – Ninety-eight business days

Disposition of Resolved Complaints

# of Complaints	Resolution
25	No Action – Case Dismissed
5	No Probable Cause – Case Dismissed
1	Case Dismissed – CMS Overturned Deficiency
1	Cash Dismissed – Take 6 hours additional CEU’s
2	License Expired
1	In Appeal

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The Board does not coordinate regulation, licensing, or permitting with any other state or federal agency.

FINANCIAL INFORMATION

Source of Funds

Licensing fees and fines.

Fund

The Board operates from Special Revenue Fund 0404 maintained in the State Treasury. Year-end unexpended balances are retained by the Board.

Schedule of Fees

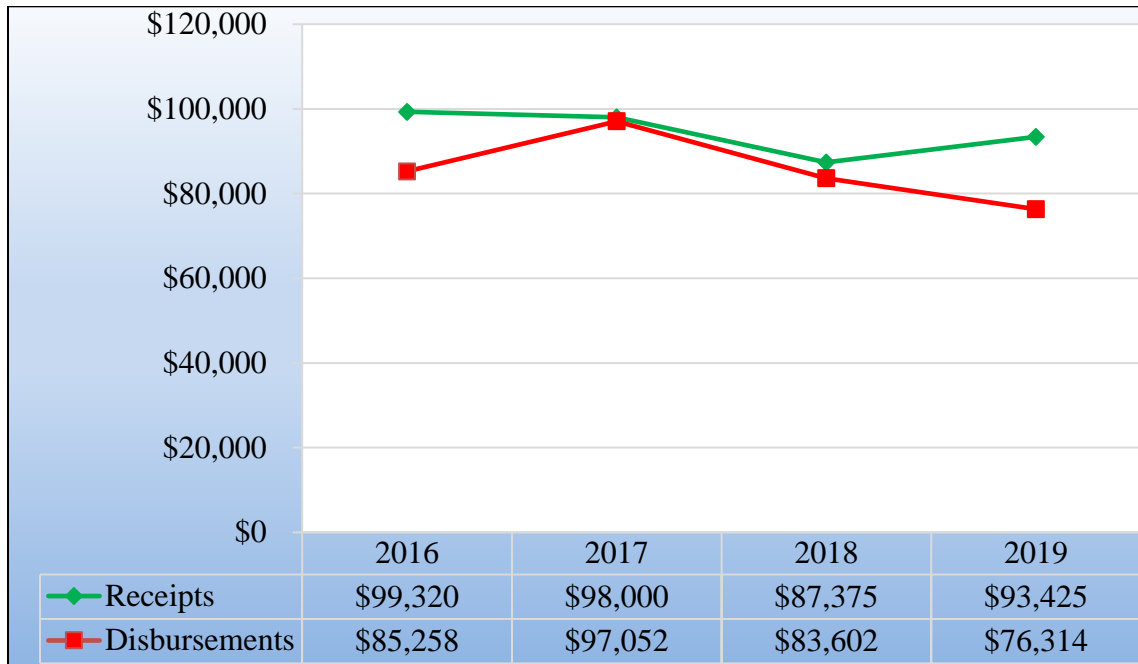
Fee Type/Purpose	Statutory Authority	Rule	Amount Authorized	Amount Collected
State (Reciprocity) Examination	34-20-9(a)	620-X-13-.01(1)	≤ \$700	\$350
Renewal	34-20-13(b)	620-X-13-.01(5)	≤ \$300	\$125
Application	34-20-11	620-X-13-.01(2)	≤ \$300	\$150
Emergency Permit	34-20-11	620-X-13-.01(4)	≤ \$1500	\$750
Original License	34-20-11	620-X-13-.01(3)	≤ \$300	\$150
AIT Application – 200 - 500 HR	34-20-9	620-X-13-.01(6)	≤ \$400	\$100
AIT Application - 1000 HR	34-20-9(b)	620-X-13-.01(7)	≤ \$500	\$100
AIT Application - 2000 HR	34-20-9(b)	620-X-13-.01(8)	≤ \$700	\$150
Preceptor Certification	34-20-9(b)	620-X-13-.01(9)	≤ \$300	\$100
Preceptor Recertification	34-20-9(b)	620-X-13-.01(9)	≤ \$300	\$100
Late Renewal Penalty	34-20-13(d)(2)	620-X-13-.01(10)	≤ \$800	\$400
Reciprocity Questionnaire	34-20-12(2)	620-X-13-.01(11)	≤ \$150	\$75
Inactive Reactivation Fee	34-20-13(f)	620-X-13-.01(12)	≤ \$1,000	\$400
Administrative Fine	34-20-14(a)	620-X-7(2)	≤ \$1000	≤ \$1000
Bad Check Return Fee	8-8-15	620-X-13-.01(14)	\$30	\$25
Copies - Per page 1-25 Per page 26+	34-20-7	620-X-13-.01(13)	≤ \$3.00	\$1.00 \$0.25

Schedule of Receipts, Disbursements, and Balances

October 1, 2015 through September 30, 2019

	<u>2018-2019</u>	<u>2017-2018</u>	<u>2016-2017</u>	<u>2015-2016</u>
<u>Receipts</u>				
Licensing Fees	\$ 93,425.00	\$ 87,375.00	\$ 98,000.00	\$ 99,319.90
<u>Disbursements</u>				
Personnel Costs	41,206.64	40,399.76	40,499.76	39,799.76
Employee Benefits	8,686.21	8,248.99	8,238.31	8,440.74
In-State Travel	3,635.11	3,370.70	3,740.67	4,461.83
Repaires and Maintenance	-	105.00	240.00	-
Rentals and Leases	15,642.69	14,438.50	14,385.43	13,927.38
Professional Services	4,440.86	14,108.67	26,103.38	15,835.81
Supplies, Materials, Operating Expenses	2,702.00	2,930.51	2,787.00	2,792.00
Other Equipment Purchase	-	-	1,057.25	-
Total	<u>76,313.51</u>	<u>83,602.13</u>	<u>97,051.80</u>	<u>85,257.52</u>
Excess of Receipts over Disbursements	17,111.49	3,772.87	948.20	14,062.38
Cash Balance at Beginning of Year	<u>582,235.71</u>	<u>578,462.84</u>	<u>577,514.64</u>	<u>563,452.26</u>
Cash Balance at End of Year	599,347.20	582,235.71	578,462.84	577,514.64
Reserved for Year-End Obligations	<u>(3,030.50)</u>	<u>(2,430.50)</u>	<u>(2,630.00)</u>	<u>(2,184.50)</u>
Unobligated Cash Balance at Year-End	<u>\$ 596,316.70</u>	<u>\$ 579,805.21</u>	<u>\$ 575,832.84</u>	<u>\$ 575,330.14</u>

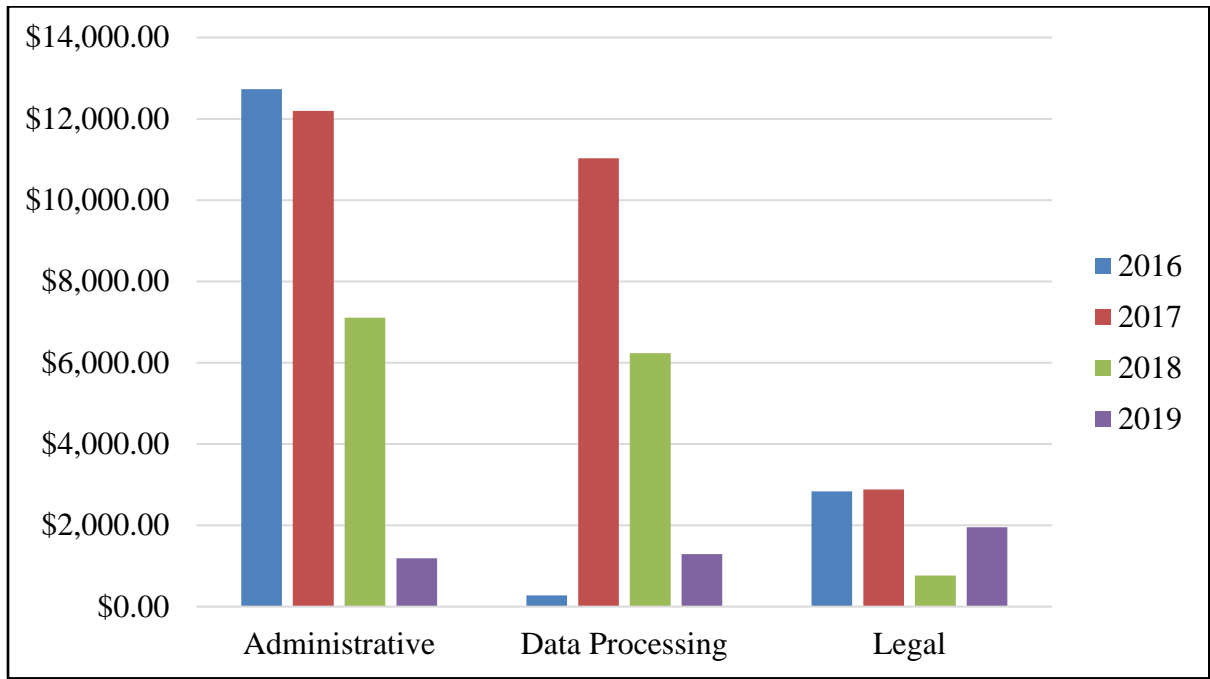
Operating Receipts vs. Operating Disbursements (Chart)



SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*				
As of September 30				
Type of Service	FY 2016	FY 2017	FY 2018	FY 2019
Administrative	\$ 12,725.97	\$ 12,191.84	\$ 7,109.50	\$ 1,189.33
Data Processing	272.50	11029.24	6,231.00	1,294.75
Legal	2,837.34	2,882.30	768.17	1,956.78
Total	\$ 15,835.81	\$ 26,103.38	\$ 14,108.67	\$ 4,440.86

*Detailed information presented in the appendix

Professional Service Disbursement Chart



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all seven members of the Nursing Home Administrators Board requesting participation in our survey. Five participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. What are the most significant issues currently facing the Board of Examiners of Nursing Home administrators and how is the board addressing these issues?

Board Member # 1 - "Making sure licensed nursing home administrators are appropriately licensed and helping to ensure that safe care is provided in the State's nursing homes."

Board Member # 2 - "Licensing of new administrators. There is a relatively new exam for national license and the board is doing training and tracking of test results."

Board Member # 3 - "Regulation of LTC administrators in assuring all necessary requirements are met and continue to be followed to assure resident safety and quality."

Board Member # 4 - "Frequent relocation of NH administrators, making it difficult to track possible issues, failures, etc."

Board Member # 5 - "none."

2. What, if any changes to the Board's laws are needed?

Board Member # 1 - "None."

Board Member # 2 - "None."

Board Member # 3 - "None."

Board Member # 4 - "None."

Board Member # 5 - "none."

3. Is the Board adequately funded?

Yes	4	80%
No Opinion	1	20%

4. Is the Board adequately staffed?

Yes	5	100%
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Board Member # 2 - "The director does an excellent job of handling board issues, projects etc."

Board Member Questionnaire

5. Does the Board receive regular reports on the operations from the Executive Secretary?

Yes 5 100%

Board Member # 1 - “The director does an excellent job. She is detailed, a strong advocate for the industry and the residents represented. I have full trust in the Board’s operations and record keeping.”

6. Has the Board experienced any significant changes to its operations?

No 5 100%

7. Does the Board plan any significant changes in its operations?

No 5 100%

Licensee Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Twenty participated in the survey. The percentages, where shown, are based on the number who responded to the question.

1. Do you think regulation of your profession by the Board of Examiners of Nursing Home Administrators is necessary to protect public welfare?

Yes	19	95%
No	1	5%

2. Do you think any of the Board's laws, rules and policies are an unnecessary restriction on the practice of your profession?

Yes	4	20%
No	16	80%

Respondent # 11 - "I believe 24 hours of continuing education is extreme."

Respondent # 20 - "The way CEU hours are managed needs to be updated."

3. Do you think any of the Board's requirements are irrelevant to the competent practices of your profession?

Yes	5	25%
No	14	70%
No Opinion	1	5%

Respondent# 11 - "Number of continuing education required."

4. Are you adequately informed by the Board of changes to and interpretations of board positions, policies, rules, and laws?

Yes	15	75%
No	2	10%
No Opinion	3	15%

5. Has the Board performed your licensing and renewal in a timely manner?

Yes	20	100%
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Respondent # 7 - "██████████ was extremely helpful thru the process."

6. Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

Yes	16	80%
No	4	20%

Respondent # 9 - "Should allow more online education credits."

Respondent # 11 - "[REDACTED] always has education available with changes."

Respondent # 16 - "I would like to see more in the Mobile, AL area."

Respondent # 20 - "The Board is very restrictive about obtaining CEU hours.

Currently, ALL CEU hours that count, can ONLY be approved by the board and must be approved far in advance of the CEU date. There are many other CEU options that should be allowed to help us get our hours completed. The Board shouldn't be so restrictive about it."

7. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

Respondent #1 - "REGULATORY ENVIRONMENT – The nursing home environment is held to a much higher standard than other professions even those who legislate and approve our regulations. Even though we do a daily job of taking care of individuals, our job is one that most people cannot or will not do and we are one of the most unappreciated professionals today. Board is limited by what they can do due to the overly regulated environment."

Respondent # 2 - "Partnering with employers to increase tenure."

Respondent # 3 - "No Opinion."

Respondent # 4 - "No Opinion."

Respondent # 5 - "Staying informed of regulation updates and changes."

Respondent # 6 - "No Opinion."

Respondent # 7 - "No Opinion."

Respondent # 8 - "No Opinion."

Respondent # 9 - "Over regulation. The Board actively tries to keep its constituents apprised of regulatory changes."

Respondent # 10 - "I am not sure that there are enough people going into the profession to cover all the NH in the state. Individuals are retiring or choosing other professions due to the stress. I'm not sure what the board could do to recruit more individuals into the field."

Respondent # 11 - "Ever changing regulations as it pertains to our industry. The work force!"

Respondent # 12 - "No Opinion."

Respondent # 13 - "No Opinion."

Respondent # 14 - "Employee and resident safety due to potential for workplace violence. Education and measures. Background screening."

Respondent # 15 - "ADPH surveys – they are addressed as needed."

Respondent # 16 - "No Opinion."

Respondent # 17 - "Increasingly burdensome regulations."

Respondent # 18 - “Yes.”

Respondent # 19 - “Medicaid. The board is constantly monitoring and lobbying to protect Nursing Homes.”

Respondent # 20 - “No Opinion.”

8. Do you think the Board and its staff are satisfactorily performing their duties?

Yes	19	95%
No	1	5%

Respondent # 10 - “I haven’t had that much dealing with them. I did send an email to their office in Montgomery last year, asking them a question, I never got a response back.”

APPENDICES

Applicable Statutes

Section 34-20-1 Definitions.

For purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

- (1) BOARD. The Board of Examiners of Nursing Home Administrators of the State of Alabama.
- (2) EXAMINER. A member of the Board of Examiners of Nursing Home Administrators of the State of Alabama.
- (3) SECRETARY. The Secretary of the Board of Examiners of Nursing Home Administrators of the State of Alabama.
- (4) NURSING HOME ADMINISTRATOR. Any individual who is charged with the general administration of a nursing home, whether or not such individual has an ownership interest in such home and whether or not his or her functions and duties are shared with one or more other individuals.
- (5) PROVISIONAL LICENSE. A temporary license issued to a provisional nursing home administrator by the Board of Examiners of Nursing Home Administrators.
- (6) PROVISIONAL NURSING HOME ADMINISTRATOR. An individual who has been issued a provisional license by the Board of Examiners of Nursing Home Administrators of the State of Alabama.
- (7) PRACTICE OF NURSING HOME ADMINISTRATION. The planning, organizing, directing, and control of the operation of a nursing home.
- (8) NURSING HOME. Any institution or facility defined as such for licensing purposes under state law.
(Acts 1969, No. 986, p. 1734, §1.)

Section 34-20-2 License required.

No nursing home in the state may operate unless it is under the supervision of an administrator who holds a currently valid nursing home administrator's license, or provisional license, issued by the Board of Examiners of Nursing Home Administrators. 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 or she is a nursing home administrator unless such person shall have been duly licensed as a nursing home administrator or as a provisional nursing home administrator. In the event a nursing home administrator dies, unexpectedly resigns, becomes incapacitated, or has his or her license revoked, the person or persons then responsible for the management of the nursing home shall immediately notify the Board of Examiners of Nursing Home Administrators and the agency issuing the nursing home license and shall be allowed a reasonable period of time, in accordance with policies adopted by the board, to be established by the agency issuing the nursing home license, not to exceed 180 days from the date of the death, unexpected resignation, incapacitation, or revocation of the license of the nursing home administrator in which to replace the administrator. During the reasonable period of time, the board may issue an emergency permit to a person performing the functions of

administrator in such nursing home without being in violation of the provisions of this chapter.

(Acts 1969, No. 986, p. 1734, §2.)

Section 34-20-4 Board of Examiners of Nursing Home Administrators - Generally.

- (a) There is a Board of Examiners of Nursing Home Administrators composed of seven members, six original members as set out in this subsection, and an additional consumer member as set out in subsection (b). The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The six original members shall be composed as follows: Three members shall be nursing home administrators duly licensed and registered under this chapter; one member shall be a physician, licensed under the laws of the State of Alabama, who is actively concerned in a practice with the care of chronically ill and infirm, aged patients; one member shall be a hospital administrator; and one member shall be a registered nurse, licensed in Alabama, who has five years' experience as a geriatric nurse and who is actively serving as a director of nursing in a geriatric facility.
- (b) Within 30 days following April 6, 1993, the Governor shall appoint an additional consumer member of the board for a term that is the same as the term of the member who is a licensed registered nurse. The consumer member shall vote in all matters. No consumer member, or a spouse or immediate family member of a consumer member, shall be a licensee of the board or be employed in the nursing home profession.
- (c) All members of the board shall be citizens of the United States and shall be residents of the state. Not more than one board member from any United States Congressional District may be appointed to serve at the same time, unless necessary to ensure diversity on the board or to satisfy other board member qualification requirements of this section.
- (d) The three members who are licensed nursing home administrators whose terms expire after April 6, 1993, shall each serve a one-year term of office. Successor members shall serve three-year terms and no board member shall serve, in addition to the one-year term provided in this subsection, more than two consecutive full three-year terms. All members shall continue to serve until a successor is appointed by the Governor.
- (e) Appointments to the board for those positions to be held by nursing home administrators shall be made by the Governor from a list of three nominees for each position to be submitted to the Governor by the Alabama Nursing Home Association. The appointment to the board of the member for the position to be held by a physician shall be made by the Governor from a list of three nominees to be submitted by the Medical Association of the State of Alabama. The appointment to the board of the member for the position to be held by a hospital administrator shall be made by the Governor from a list of three nominees to be submitted to him or her by the Alabama Hospital Association. The appointment to the board of the member for the position to be held by a licensed registered nurse shall be made by the Governor from a list of three nominees to be submitted to him or her by the Alabama State Nurses Association. In the event the nominating entities and the Governor are unable to nominate or appoint members to the board so that diversity and other requirements of this section are satisfied, the board may submit a substitute list of three nominees to the Governor for appointment who are selected from the state at-large and otherwise qualify for appointment.

(f) The Governor may remove any board member for misconduct, incapacity, incompetence, or neglect of duty after the board member so charged has been served with a written statement of charges and has been given an opportunity to be heard. Absence from any three consecutive meetings of the board within a calendar year, without cause acceptable to the Governor and the board, shall be deemed cause for removal.

(g) Any vacancy created by the death, resignation, or removal of any board member shall be filled by the Governor for the unexpired term in the same manner as required by this chapter to make appointments.

(h) Each member of the board shall receive a per diem fee of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) to be determined by the board for the time spent in the performance of official duties. Each member shall be reimbursed for all necessary and proper travel and incidental expenses incurred in implementing this chapter as is provided to state employees by the laws of the State of Alabama and regulations of the State Personnel Director. In setting the per diem fee, the board shall give due consideration to funds which are available for that purpose.

(i) The board shall hold four or more meetings a year. A majority of the members of the board shall constitute a quorum at any meeting except as provided in Section 34-20-14. A majority vote of the members present shall be sufficient to transact the business of the board except as provided in Section 34-20-14. Meetings may be called by the chair or by a majority of the members of the board. Members shall be given seven days' written notice of all meetings.

(j) The board shall annually elect from its members a chair and a vice chair, at the first meeting of the board held after October 1 of each year, and each shall serve until the first meeting held after October 1 of the following year. In the event of the death, resignation, or removal of the chair from the board, the vice chair shall succeed as chair for the remainder of the unexpired term. In the event of the death, resignation, removal, or succession to the office of chair or a vice chair, a successor shall be elected by the board to fill the remainder of the unexpired term as vice chair. The chair, or in the absence of the chair, the vice chair, shall preside at all meetings of the board. The chair of the board may appoint a secretary to the board, with the consent of the members of the board, who shall serve at the pleasure of the board. The salary of the secretary shall be fixed by the board. The secretary shall be the executive officer to the board but shall not be a member of the board. The secretary shall have those powers and shall perform those duties as are prescribed by law and the rules and regulations of the board. A clerk and sufficient deputy clerks to adequately assist the board and secretary in the keeping of the records and in the performance of their duties may be appointed by the board subject to the Merit System.

(Acts 1969, No. 986, p. 1734, §4; Acts 1980, No. 80-467, p. 731, §1; Acts 1993, No. 93-152, p. 216, §3; Acts 1997, No. 97-157, p. 208, §3; Act 2001-246, p. 290, §3.)

Section 34-20-5 Board of Examiners of Nursing Home Administrators - Functions, powers, and duties.

(a) It shall be the function and duty of the board to:

(1) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards 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;

- (2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;
- (3) 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;
- (4) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;
- (5) Establish and carry out procedures designed 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; and
- (6) Conduct a continuing study and investigation of nursing homes and 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.

(b) The board shall have the authority to:

- (1) Make rules and regulations, 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 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, federal rules and regulations promulgated thereunder and other pertinent federal authority; and
- (2) Establish, provide, or approve various education programs or courses for nursing home administrators, and to prescribe rules and regulations requiring applicants for licenses as nursing home administrators to attend such programs or courses as a prerequisite to their being admitted to the examination or issued a license, and requiring licensed nursing home administrators to attend such programs or courses as a prerequisite to their being issued any license renewal.

(Acts 1969, No. 986, p. 1734, §5.)

Section 34-20-6 Board of Examiners of Nursing Home Administrators - Review of decisions.

Any party aggrieved by a final decision or order of the Board of Examiners of Nursing Home Administrators suspending, revoking, or refusing to issue a license is entitled to a review of such decision or order by taking an appeal to the circuit court of the county in which the nursing home administrator or applicant resides. In such cases, such appeal shall be taken by filing notice thereof with the register or clerk of the circuit court within 30 days of the date of notice by the board of its decision. Appeals from any order or judgment rendered thereon by the circuit court to the Supreme Court of Alabama shall be available as in other cases.

(Acts 1969, No. 986, p. 1734, §15.)

Section 34-20-7 Board of Examiners of Nursing Home Administrators - Authorization to receive and expend funds; audit.

The Board of Examiners of Nursing Home Administrators is hereby authorized to receive and expend, in carrying out the purposes of this chapter, all sums paid by applicants and registrants as provided in this chapter, and all sums which might be appropriated for such purposes, and are also authorized to receive and expend any funds available for such purposes from the federal government. An annual financial audit shall be conducted of all receipts and expenditures, and a written report of the audit shall be given to each board member.

(Acts 1969, No. 986, p. 1734, §16; Acts 1980, No. 80-467, p. 731, §1.)

Section 34-20-8 Advisory council.

The governing body of the Alabama Nursing Home Association shall constitute an advisory council to the Board of Examiners of Nursing Home Administrators, and the Board of Examiners of Nursing Home Administrators shall be required to counsel with the advisory council in connection with the administration of the provisions of this chapter.

(Acts 1969, No. 986, p. 1734, §6.)

Section 34-20-9 Qualifications for admission to examination; fees.

(a) The board shall admit to examination for licensure as a nursing home administrator any candidate who submits evidence of good moral character and suitability prescribed by the board and who submits evidence to the board that he or she is at least 19 years of age, a citizen of the United States, or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, that he or she is a high school graduate or has completed an educational program equivalent thereto, and that he or she has completed any additional educational requirements prescribed by the board. Each candidate shall also be required, prior to admission to the examination, to pay an examination fee established by the board pursuant to its rule-making authority.

(b) The board may establish an application fee for the internship or administrator in training (AIT) program and a fee for preceptor, certification, and recertification of the administrator in training (AIT) program pursuant to its rule-making authority.

(Acts 1969, No. 986, p. 1734, §17; Acts 1989, No. 89-238, p. 335, §3; Acts 1993, No. 93-152, p. 216, §3; Act 2009-40, p. 139, §3.)

Section 34-20-10 Contents and schedule of examinations.

(a) The board shall determine the subjects of examinations for applicants for licensure, and the scope, content, and format of the examinations, which in any examination shall be the same for all candidates. The examinations shall include examination of the applicant to demonstrate his or her proficiency in the rules and regulations of health and safety. The examination may consist of written or oral questions, or both.

(b) Examinations shall be held at least four times each year, at times and places designated by the board. *(Acts 1969, No. 986, p. 1734, §8; Acts 1993, No. 93-152, p. 216, §3.)*

Section 34-20-11 Issuance of license; fee for temporary emergency permit.

An applicant for a license as a nursing home administrator who has:

(1) Successfully complied with the educational and training requirements of this chapter and of the rules and regulations of the board promulgated under this chapter; and

(2) Has paid an application fee established by the board pursuant to its rule-making authority for all applicants; and

(3) Qualified for and passed the examination provided for in this chapter;

shall be issued a license on a form provided for that purpose by the board, certifying that the applicant has met the requirements of the laws, rules, and regulations entitling him or her to serve, act, practice, and otherwise hold himself or herself out as a duly licensed nursing home administrator and has paid a fee established by the board pursuant to its rule-making authority for original licensure.

The board may collect a fee established by the board pursuant to its rule-making authority for the issuance of a temporary emergency permit issued pursuant to Section 34-20-2.

(Acts 1969, No. 986, p. 1734, §9; Acts 1985, No. 85-283, p. 183, §3; Acts 1989, No. 89-238, p. 335, §3; Acts 1993, No. 93-152, p. 216, §3.)

Section 34-20-12 Reciprocity.

The board may, subject to this chapter and the rules and regulations of the board prescribing the qualifications for a nursing home administrator license, issue a license to a nursing home administrator who has been issued a license by the proper authorities of any other state or issued a certificate of qualification by any national organization, upon complying with the provisions of licensure, payment of a fee established by the board pursuant to its rule-making authority, and upon submission of evidence satisfactory to the board:

(1) That the other state or national organization maintained a system and standards of qualification and examinations for a nursing home administrator license or certificate which were substantially equivalent to those required in this state at the time the other license or certificate was issued by the other state or national organization; and

(2) That the other state gives similar recognition and endorsement to nursing home administrator licenses of this state. The board may charge a fee for completion of a reciprocity questionnaire, pursuant to its rule-making authority.

(Acts 1969, No. 986, p. 1734, §10; Acts 1989, No. 89-238, p. 335, §3; Acts 1993, No. 93-152, p. 216, §3.)

Section 34-20-13 Renewal of licenses; expiration and reactivation; inactive status; file of applications and licenses; continuing education.

(a) Every individual who holds a valid current license as a nursing home administrator issued by the board under this chapter shall immediately upon issuance have the right and privilege of acting and serving as a nursing home administrator and of using the abbreviation "N.H.A." after their name. Thereafter, the individual shall annually be required to make application to the board for a renewal of license and to report any facts requested by the board on forms provided for that purpose.

(b) Upon making application for a renewal of license, the individual shall pay an annual license fee established as determined by the board pursuant to the rule-making authority, and, at the same time, shall submit evidence satisfactory to the board that during the year

immediately preceding application for renewal he or she has complied with the requirements of the board concerning the continuation of education of nursing home administrators.

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

(d)(1) Failure to secure an annual renewal of a license, based on a failure to meet the continuing education requirements, shall result in the expiration of the license. An expired license may not be "reactivated." All persons holding an expired license shall be required to submit a new application and follow all procedures for licensure of a new applicant.

(2) A licensee who complies with the continuing education requirements but who does not renew within 90 days following its due date shall be deemed delinquent and may renew within the 90-day period by paying a late renewal fee established by the board pursuant to its rule-making authority. A license that is not renewed within the 90-day period shall be deemed expired, and is subject to reapplication as provided in subdivision (1).

(e) A licensee who holds a current license and who is not practicing as a nursing home administrator may place that license into an "inactive status" upon written application to the board. Any licensee whose license has been placed on inactive status may not engage in the practice of nursing home administration.

(f) A licensee whose license is on an inactive status who wishes to "reactivate" that license may do so by making application to the board. The applicant shall attach proof of having completed 24 hours of approved continuing education credits within one year of making application for license reactivation, and shall pay a reactivation fee established by the board pursuant to its rule-making authority. A licensee may not have his or her license in inactive status for more than five years. After five years in inactive status, the license automatically becomes expired.

(g) The board shall maintain a file of all applications for licensure that includes the following information on each applicant: Residence, name, age, the name and address of his or her employer or business connection, the date of application, educational and experience qualifications, action taken by the board, serial numbers of licenses issued to the applicant, and the date on which the board acted on or reviewed the application.

(h) The board shall maintain a list of current licensees of the board, and shall furnish the list on demand to any person who pays a fee established by the board pursuant to its rule-making authority.

(i) The board shall adopt a program for continuing education for its licensees by October 1, 1991. After that date, successful completion of the continuing education program by board licensees shall be required in order to obtain a renewal license.

(j) Continuing education shall not result in a passing or failing grade.

(Acts 1969, No. 986, p. 1734, §11; Acts 1980, No. 80-467, p. 731, §1; Acts 1989, No. 89-238, p. 335, §§3, 4; Acts 1993, No. 93-152, p. 216, §3.)

Section 34-20-14 Disciplinary proceedings; administrative fines.

(a) The board is hereby authorized to discipline its licensees by the adoption and collection of administrative fines, not to exceed \$1,000 per violation and is authorized to institute any legal proceedings necessary to effect compliance with this chapter.

(b) The license of any person practicing or offering to practice nursing home administration or the license of a provisional nursing home administrator may be revoked or suspended by the board, or such person 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:

(1) Upon proof that such person has willfully or repeatedly violated any of the provisions of this chapter or the rules enacted in accordance therewith; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which he or she is administrator;

(2) Upon proof that such person's conduct is immoral, unprofessional, or dishonorable;

(3) Upon proof that such person is guilty of fraud or deceit in the practice of nursing home administration or in his or her admission to such practice; or

(4) Upon proof that such person has been convicted in a court of competent jurisdiction, either within or without the state, of a crime involving moral turpitude.

(c) The board shall have the jurisdiction to hear all charges brought under the provisions of this section against any person having been issued a license as a nursing home administrator or having been issued a license as a provisional nursing home administrator; and upon such hearings shall determine the charges upon their merits. If the board determines that disciplinary measure should be taken, the board may revoke his or her license, suspend him or her from practice or reprimand, censure, or otherwise discipline such person.

(d) All proceedings under this section shall be heard by the board with at least two thirds of its members present, and decisions to discipline any licensee shall require a vote of two thirds of the membership of the entire board; provided, that the board may designate three or more of its members to comprise a hearing committee for the purpose of determining whether charges brought justify a hearing by the board, and with the authority to dismiss frivolous or unfounded charges.

(e) At any hearing under this chapter, the person charged shall have the right to appear either personally or by counsel or both to produce witnesses and evidence in his or her own behalf and to cross-examine witnesses. The board or hearing committee shall have the authority to issue subpoenas, compel the attendance of witnesses, administer oaths, and take testimony concerning all matters within the jurisdiction of the board. The circuit court of the county wherein the hearing is to take place shall have authority, on application of the board, to enforce obedience to the subpoenas and orders of the board concerning such testimony.

(Acts 1969, No. 986, p. 1734, §13; Acts 1989, No. 89-238, p. 335, §3.)

Section 34-20-15 Restoration of license.

The board may, for good cause shown, upon such terms as the board may prescribe, reissue a license to any person whose license has been revoked.

(Acts 1969, No. 986, p. 1734, §14.)

Section 34-20-16 Prohibited acts; penalties.

(a) It shall be a misdemeanor for any person to:

- (1) Sell or fraudulently obtain or furnish any license or aid or abet therein;
- (2) To practice as a nursing home administrator under cover of any license illegally or fraudulently obtained or unlawfully issued;
- (3) 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 chapter;
- (4) 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 during the time his or her license issued under the provisions of this chapter shall be expired, suspended, or revoked; or
- (5) Otherwise violate any of the provisions of this chapter.

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

(Acts 1969, No. 986, p. 1734, §12.)

Professional Services by Vendor

	FY 2016	FY 2017	FY 2018	FY2019
Administrative Services				
Department of Finance	\$12,015.97	\$11,716.84	\$ 6,071.55	\$ 785.97
Legislative Reference Service	550.00	310.00	100.00	-
Office of Information Technology	-	-	27.20	35.36
State Personnel Services	160.00	165.00	357.00	368.00
Total Administrative Services	12,725.97	12,191.84	6,555.75	1,189.33
Data Processing Services				
Department of Finance	272.50	11,029.24	5,632.25	0.00
Office of Information Technology	0.00	0.00	1,152.50	1,294.75
Total Data Processing Services	272.50	11,029.24	6,784.75	1,294.75
Legal Services				
Attorney General's Office	2,837.34	2,882.30	768.17	1,956.78
Total Professional Services	\$ 15,835.81	\$ 26,103.38	\$ 14,108.67	\$ 4,440.86

Board Members

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Executive Secretary to the Board: Katrina G. Magdon

Board Members - Present

Mrs. Sal.Lee Sasser-Williams, Chairman of the Board
Brantley, Alabama 36009 – Congressional District 2
Appointed 4/13/2014 term expires 4/13/2020
NH Administrator

Mrs. Lana Davis, Vice-Chairman of the Board
Citronelle, Alabama 36522 – Congressional District 1
Appointed 5/24/2016 term expires 4/14/2019
Nurse

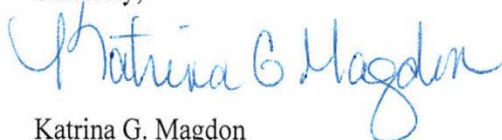
Ms. Carol Knight
Birmingham, Alabama 35242 – Congressional District 6
Appointed 4/12/2014 term expired 4/13/2020
NH Administrator

Charles T. Nevels, MD
Tuscaloosa, Alabama 35405 – Congressional District 7
Appointed 5/24/2016 term expires 4/14/2019
Physician

Mr. Donald Jones
Fayette, Alabama 35555 – Congressional District 4
Appointed 8/18/2016 term expires 4/13/2019
Hospital Administrator

Ms. Cherise Ball Wilson
Fultondale, Alabama 35068 – Congressional District 6
Appointed 7/18/2017 term expires 7/17/2020
NH Administrator

Sincerely,



Katrina G. Magdon
Executive Secretary