

2013

STATE OF NEBRASKA

**STATUTES RELATING TO
NURSING HOME ADMINISTRATOR PRACTICE ACT**



Department of Health and Human Services
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- 71-2045.01. Transferred to section 71-6065.
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STATUTES PERTAINING TO NURSING HOME ADMINISTRATOR PRACTICE ACT

38-2401. Act, how cited. Sections 38-2401 to 38-2426 shall be known and may be cited as the Nursing Home Administrator Practice Act.

Source: Laws 2007, LB463, § 816; Laws 2013, LB42, § 1. Effective Date: September 6, 2013.

38-2402. Definitions, where found. For purposes of the Nursing Home Administrator Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-2403 to 38-2416 apply.

Source: Laws 2007, LB463, § 817; Laws 2013, LB42, § 2. Effective Date: September 6, 2013.

38-2403. Accredited institution, defined. Accredited institution means a postsecondary educational institution approved by the board.

Source: Laws 2007, LB463, § 818. Operative date December 1, 2008.

38-2404. Administrator or nursing home administrator, defined. Administrator or nursing home administrator means any individual who meets the education and training requirements of section 38-2419 and is responsible for planning, organizing, directing, and controlling the operation of a nursing home or an integrated system or who in fact performs such functions, whether or not such functions are shared by one or more other persons. Notwithstanding this section or any other provision of law, the administrator of an intermediate care facility for persons with developmental disabilities may be either a licensed nursing home administrator or a qualified developmental disabilities professional.

Source: Laws 2007, LB463, § 819; Laws 2013, LB23, § 7. Effective Date: September 6, 2013.

38-2405. Administrator-in-training, defined. Administrator-in-training means a person who is undergoing training to become a nursing home administrator and is directly supervised in a nursing home by a certified preceptor.

Source: Laws 2007, LB463, § 820. Operative date December 1, 2008.

38-2406. Board, defined. Board means the Board of Nursing Home Administration.

Source: Laws 2007, LB463, § 821. Operative date December 1, 2008.

38-2407. Certified preceptor, defined. Certified preceptor means a person who is currently licensed by the State of Nebraska as a nursing home administrator, has three years of experience as a nursing home administrator, has practiced within the last two years in a nursing home, and is approved by the department to supervise an administrator-in-training or a person in a mentoring program.

Source: Laws 2007, LB463, § 822. Operative date December 1, 2008.

38-2408. Core educational requirements, defined. Core educational requirements means courses necessary for licensure as a nursing home administrator and includes courses in patient care and services, social services, financial management, administration, and rules, regulations, and standards relating to the operation of a health care facility.

Source: Laws 2007, LB463, § 823. Operative date December 1, 2008.

38-2409. Degree or advanced degree, defined. Degree or advanced degree means a baccalaureate, master's, or doctorate degree from an accredited institution and which includes studies in the core educational requirements.

Source: Laws 2007, LB463, § 824. Operative date December 1, 2008.

38-2410. Degree or advanced degree in health care, defined. Degree or advanced degree in health care means a baccalaureate, master's, or doctorate degree from an accredited institution in health care, health care administration, or services.

Source: Laws 2007, LB463, § 825. Operative date December 1, 2008.

38-2410.01. Facility operated primarily for caring for persons with head injuries and associated disorders, defined. Facility operated primarily for caring for persons with head injuries and associated disorders means a nursing home in which all or a majority of the persons served by the nursing home have head injuries and associated disorders.

Source: Laws 2013, LB42, § 3. Effective Date: September 6, 2013.

38-2411. Integrated system, defined. Integrated system means a health and human services organization offering different levels of licensed care or treatment on the same premises.

Source: Laws 2007, LB463, § 826. Operative date December 1, 2008.

38-2412. Internship, defined. Internship means that aspect of the educational program of the associate degree in long-term care administration which allows for practical experience in a nursing home and occurs under the supervision of a certified preceptor.

Source: Laws 2007, LB463, § 827. Operative date December 1, 2008.

38-2413. Nursing degree, defined. Nursing degree means a degree or diploma in nursing from an accredited program of nursing approved by the Board of Nursing.

Source: Laws 2007, LB463, § 828. Operative date December 1, 2008.

38-2414. Nursing home or home for the aged or infirm, defined. Nursing home or home for the aged or infirm means any institution or facility licensed as a nursing facility or a skilled nursing facility by the department pursuant to the Health Care Facility Licensure Act, whether proprietary or nonprofit, including, but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof.

Source: Laws 2007, LB463, § 829. Operative date December 1, 2008.

38-2415. Previous work experience, defined. Previous work experience means at least two years working full time in a nursing home or previous work experience in health care administration.

Source: Laws 2007, LB463, § 830. Operative date December 1, 2008.

38-2416. Previous work experience in health care administration, defined. Previous work experience in health care administration means at least two years working full time as an administrator or director of nursing of a hospital with a long-term care unit or assisted-living facility or director of nursing in a nursing home.

Source: Laws 2007, LB463, § 831. Operative date December 1, 2008.

38-2417. Board; members; qualifications. (1) The board shall consist of seven professional members and two public members appointed pursuant to section 38-158. The members shall meet the requirements of sections 38-164 and 38-165.

(2) The professional members shall consist of: (a) Two members who hold active licenses and are currently employed in the management, operation, or ownership of proprietary homes for the aged or infirm or nursing homes that serve the aged or infirm in Nebraska; (b) two members who hold active licenses and are currently employed in the management or operation of a nonprofit home for the aged or infirm or nursing home or hospital caring for chronically ill or infirm, aged patients; (c) one member who is a member of the faculty of a college or university located in the state who is actively engaged in a teaching program relating to business administration, social work, gerontology, or some other aspect of the administration of health care facilities; (d) one member who is a licensed physician and surgeon with a demonstrated interest in long-term care; and (e) one member who is a licensed registered nurse.

Source: Laws 1972, LB 1040, § 5; Laws 1980, LB 686, § 3; Laws 1988, LB 693, § 10; Laws 1989, LB 344, § 20; R.S.Supp.,1989, § 71-2045.01; Laws 1994, LB 1223, § 76; Laws 1996, LB 1044, § 755; Laws 1999, LB 411, § 9; Laws 2002, LB 1062, § 61; R.S.1943, (2003), § 71-6065; Laws 2007, LB296, § 649; Laws 2007, LB463, § 832. The changes made by LB 296 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-2418. Licensed administrator; when required; provisional license. Each nursing home within the state shall be operated under the supervision of an administrator duly licensed in the manner provided in the Nursing Home Administrator Practice Act. Each facility within the state operated primarily for caring for persons with head injuries and associated disorders shall be operated under the supervision of an administrator duly licensed in the manner provided in the Nursing Home Administrator Practice Act. If there is a vacancy in the position of licensed administrator of a nursing home, the owner, governing body, or other appropriate authority of the nursing home may select a person to apply for a provisional license in nursing home administration to serve as the administrator of such facility.

Source: Laws 1972, LB 1040, § 8; Laws 1980, LB 686, § 5; Laws 1988, LB 693, § 12; R.S.Supp.,1988, § 71-2045.04; R.S.1943, (2003), § 71-6062; Laws 2007, LB463, § 833; Laws 2013, LB42, § 4. Effective Date: September 6, 2013.

38-2419. Nursing home administrator; license; issuance; qualifications; duties. (1) The department shall issue a license to an applicant who submits (a) satisfactory evidence of completion of (i) an associate degree which includes the core educational requirements and an administrator-in-training program under a certified preceptor, (ii) a degree or an advanced degree and a mentoring program under a certified preceptor, (iii) a nursing degree, previous work experience in health care administration, and a mentoring program under a certified preceptor, (iv) a degree or an advanced degree in health care and previous work experience in health care administration, or (v) an associate degree which includes the core educational requirements, previous work experience, and a mentoring program under a certified preceptor, and (b) evidence of successful passage of the National Association of Boards of Examiners for Nursing Home Administration written examination.

(2) The department shall license administrators in accordance with the Nursing Home Administrator Practice Act and standards, rules, and regulations adopted and promulgated by the department, with the recommendation of the board. The license shall not be transferable or assignable.

(3) Each administrator shall be responsible for and oversee the operation of only one licensed facility or one integrated system, except that an administrator may make application to the department for approval to be responsible for and oversee the operations of a maximum of three licensed facilities if such facilities are located within two hours' travel time of each other or to act in the dual role of administrator and department head but not in the dual role of administrator and director of nursing. In reviewing the application, the department may consider the proximity of the facilities and the number of licensed beds in each facility. An administrator responsible for and overseeing the operations of any integrated system is subject to disciplinary action against his or her license for any regulatory violations within each system.

Source: Laws 1972, LB 1040, § 6; Laws 1980, LB 686, § 4; Laws 1988, LB 352, § 126; R.S.1943, (1986), § 71-2045.02; Laws 1988, LB 693, § 3; Laws 1989, LB 344, § 19; Laws 1989, LB 733, § 1; R.S.Supp.,1989, § 71-2041.02; Laws 1991, LB 58, § 1; Laws 1991, LB 456, § 38; Laws 1992, LB 1019, § 83; Laws 1993, LB 669, § 59; Laws 1994, LB 1223, § 74; Laws 1997, LB 608, § 23; Laws 1997, LB 752, § 193; Laws 1999, LB 411, § 2; Laws 2002, LB 1021, § 92; Laws 2002, LB 1062, § 56; Laws 2003, LB 242, § 133; Laws 2005, LB 246, § 2; R.S.Supp.,2006, § 71-6054; Laws 2007, LB463, § 834; Laws 2013, LB42, § 5. Effective Date: September 6, 2013.

38-2420. Administrator-in-training program; mentoring program; certified preceptor; requirements. (1) Except as provided in subdivision (1)(a)(iv) of section 38-2419 and section 38-2426, in order for a person to become licensed as a nursing home administrator, he or she shall complete an administrator-in-training program or a mentoring program. The administrator-in-training program shall occur in a nursing home under the direct supervision of a certified preceptor, and it may be gained as an internship which is part of an approved associate degree. A mentoring program shall occur in a nursing home under the supervision of a certified preceptor. The certified preceptor in a mentoring program need not be at such facility during the period of such supervision but shall be available to assist with questions or problems as needed. A mentoring program may be gained as an internship which is part of a degree or advanced degree. A person in a mentoring program may apply for a provisional license as provided in section 38-2423.

(2) An applicant may begin his or her administrator-in-training or mentoring program upon application to the department with the required fee, evidence that he or she has completed at least fifty percent of the core educational requirements, and evidence of an agreement between the certified preceptor and the applicant for at least six hundred forty hours of training and experience, to be gained in not less than four months. Such training shall occur in a Nebraska-licensed nursing home under a certified preceptor.

(3) The certified preceptor shall submit a report to the department by the fifth day of each month for the duration of the administrator-in-training or mentoring program, describing the nature and extent of training completed to date. At the conclusion of the program, the certified preceptor shall report to the department whether the applicant has successfully completed the board's approved course for such program. With the concurrence of the certified preceptor, the applicant may remain in such program until successfully completed or may reapply to enter another administrator-in-training or mentoring program.

(4)(a) The administrator-in-training or mentoring program shall occur under the supervision of a certified preceptor. An applicant to become a certified preceptor shall (i) be currently licensed as a nursing home administrator in the State of Nebraska, (ii) have three years of experience as a nursing home administrator in the five years immediately preceding certification, and (iii) complete a preceptor training course approved by the board.

(b) All preceptor certificates shall expire on December 31 of every fourth year beginning December 31, 2000. Before acting on an application for renewal, the board shall review the performance of the applicant. Such review may include consideration of survey and complaint information, student evaluations, and any other related information deemed relevant by the board. The board may deny an application for renewal upon a finding that the applicant's performance has been unsatisfactory based on such review.

Source: Laws 1988, LB 693, § 4; Laws 1989, LB 733, § 2; R.S.Supp.,1989, § 71-2041.03; Laws 1991, LB 455, § 1; Laws 1992, LB 1019, § 84; Laws 1999, LB 411, § 3; Laws 2003, LB 242, § 134; R.S.1943, (2003), § 71-6055; Laws 2007, LB463, § 835; Laws 2013, LB42, § 6. Effective Date: September 6, 2013.

38-2421. License; reciprocity. The department may issue a license to any person who holds a current nursing home administrator license from another jurisdiction and is at least nineteen years old.

Source: Laws 1988, LB 693, § 5; Laws 1989, LB 733, § 3; R.S.Supp.,1989, § 71-2041.04; Laws 1991, LB 455, § 2; Laws 1992, LB 1019, § 85; Laws 1999, LB 411, § 4; Laws 2002, LB 1062, § 57; R.S.1943, (2003), § 71-6056; Laws 2007, LB463, § 836. Operative date December 1, 2008.

38-2422. Application for examination. Any person desiring to take the examination for a nursing home administrator license may request to take the examination any time after receiving notification of registration as an administrator-in-training or a person in a mentoring program, but the license shall not be issued until the board receives documentation of completion of the administrator-in-training or mentoring program and completion of all licensure requirements.

Source: Laws 1988, LB 693, § 7; R.S.Supp.,1988, § 71-2041.06; Laws 1992, LB 1019, § 86; Laws 1999, LB 411, § 5; R.S.1943, (2003), § 71-6058; Laws 2007, LB463, § 837. Operative date December 1, 2008.

38-2423. Acting administrator; provisional license required; application; requirements. (1) A person selected to apply for a provisional license in nursing home administration to serve as the administrator of such facility shall apply to the department. Such license, if issued, shall be valid for no more than one hundred eighty calendar days and may be issued to an individual not otherwise qualified for licensure as a nursing home administrator in order to maintain the daily operations of the facility and may not be renewed. The department may grant an extension not to exceed ninety days if the person seeking the provisional license is in a mentoring program.

(2) The department may issue a provisional license to an individual who has applied for a mentoring program. Such provisional license will allow the applicant to serve as administrator in the specified facility for one hundred eighty calendar days and may not be renewed. The board may grant an extension not to exceed ninety days if the person seeking the provisional license is in a mentoring program.

(3) An applicant for a provisional license under this section shall: (a) Be at least twenty-one years of age; (b) be employed on a full-time basis of not less than forty hours per week to perform the duties of the nursing home administrator; and (c) have no history of unprofessional conduct or denial or disciplinary action against a nursing home administrator license or a license to practice any other profession by any lawful licensing authority.

Source: Laws 1972, LB 1040, § 12; Laws 1980, LB 686, § 9; R.S.1943, (1986), § 71-2045.08; Laws 1992, LB 1019, § 89; Laws 1999, LB 411, § 8; Laws 2003, LB 242, § 137; R.S.1943, (2003), § 71-6063; Laws 2007, LB463, § 838. Operative date December 1, 2008.

38-2424. Providers of continuing competency activities; review and approval; fee. Providers of continuing competency activities or licensees may submit courses for review and approval by the board. Each provider or licensee applying for approval of continuing competency activities shall pay an application fee for each program, seminar, or course submitted for review.

Source: Laws 1972, LB 1040, § 7; Laws 1986, LB 926, § 58; Laws 1988, LB 693, § 11; R.S.Supp.,1988, § 71-2045.03; Laws 1992, LB 1019, § 87; Laws 1999, LB 411, § 6; Laws 2002, LB 1021, § 93; Laws 2002, LB 1062, § 59; Laws 2003, LB 242, § 135; R.S.1943, (2003), § 71-6060; Laws 2007, LB463, § 839. Operative date December 1, 2008.

38-2425. Fees. The department shall establish and collect fees for credentialing under the Nursing Home Administrator Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 840. Operative date December 1, 2008.

38-2426. Administrator of facility operated primarily for caring for persons with head injuries and associated disorders; license required; qualifications; renewal. (1) In order to qualify to function as the administrator of a facility operated primarily for caring for persons with head injuries and associated disorders, an individual shall be licensed as a nursing home administrator if he or she meets the requirements of this section. A license issued under this section permits the holder to serve as a nursing home administrator only in a facility operated primarily for caring for persons with head injuries and associated disorders.

(2) To receive a credential to practice nursing home administration for a facility operated primarily for caring for persons with head injuries and associated disorders, an individual shall:

(a) Have at least four years of experience working with persons with head injuries or severe physical

disabilities, at least two of which were spent in an administrative capacity; and

(b) Either:

(i) Hold a credential as:

(A) A psychologist pursuant to the Uniform Credentialing Act, with at least a master's degree in psychology from an accredited college or university;

(B) A physician licensed pursuant to the Uniform Credentialing Act to practice medicine and surgery or psychiatry;

(C) An educator with at least a master's degree in education from an accredited college or university;

(D) A certified social worker, a certified master social worker, or a licensed mental health practitioner pursuant to the Uniform Credentialing Act;

(E) A physical therapist, an occupational therapist, or a speech-language pathologist pursuant to the Uniform Credentialing Act; or

(F) An administrator or executive of a health care facility as defined in section 71-413 who is a member in good standing with an organization that offers voluntary certification for the purpose of demonstrating managerial knowledge and experience for health care managers; or

(ii) Have at least eight years of experience working with persons with head injuries or severe physical disabilities, at least five of which were spent in an administrative capacity in a facility operated primarily for caring for persons with head injuries or severe physical disabilities.

(3) A license issued pursuant to this section shall be issued without examination and without the requirement of completion of an administrator-in-training or mentoring program. Such license may be renewed without the completion of any continuing competency requirements.

Source: Laws 2013, LB42, § 7. Effective Date: September 6, 2013.

STATUTES PERTAINING TO NURSING HOMES

71-2041. Repealed. Laws 1972, LB 1040, §14.

71-2041.01 to 71-2041.07. Transferred to sections 71-6053 to 71-6059.

71-2042. Transferred to section 71-6067.

71-2043. Repealed. Laws 1973, LB 5, §2.

71-2044. Repealed. Laws 1980, LB 686, §11.

71-2045. Repealed. Laws 1972, LB 1040, §14.

71-2045.01. Transferred to section 71-6065.

71-2045.02. Transferred to section 71-2041.02.

71-2045.03. Transferred to section 71-6060.

71-2045.04. Transferred to section 71-6062.

71-2045.05. Transferred to section 71-6061.

71-2045.06. Transferred to section 71-6066.

71-2045.07. Repealed. Laws 1988, LB 693, §18.

71-2045.08 and 71-2045.09. Transferred to sections 71-6063 and 71-6064.

71-2045.10. Transferred to section 71-6068.

STATUTES PERTAINING TO NURSING HOME ADMINISTRATION

71-6053. Repealed. Laws 2007, LB 463, § 1319.

71-6054. Transferred to section 38-2419.

71-6055. Transferred to section 38-2420.

71-6056. Transferred to section 38-2421.

71-6057. Repealed. Laws 2007, LB 463, § 1319.

71-6058. Transferred to section 38-2422.

71-6059. Repealed. Laws 2007, LB 463, § 1319.

71-6060. Transferred to section 38-2424.

71-6061. Repealed. Laws 2007, LB 463, § 1319.

71-6062. Transferred to section 38-2418.

71-6063. Transferred to section 38-2423.

71-6064. Repealed. Laws 2007, LB 463, § 1319.

71-6065. Transferred to section 38-2417.

71-6066. Repealed. Laws 2007, LB 463, § 1319.

71-6067. Repealed. Laws 2007, LB 463, § 1319.

71-6068. Repealed. Laws 2007, LB 463, § 1319.