

WSR 24-03-147

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed January 23, 2024, 3:13 p.m., effective February 23, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Nursing home administrator licensing requirements and retired-active license. The board of nursing home administrators (board) is adopting rule amendments to WAC 246-843-071 Application, 246-843-090 Administrator-in-training program, 246-843-130 Continuing education requirements, 246-843-180 Expired license and 246-843-231 Temporary practice permits; and adopting new WAC 246-843-335 Retired active credential.

The board adopted rule amendments and a new rule to expand and clarify licensure requirements in the following ways:

- Clarifies the administrator-in-training program requirements as the primary path to licensure. Changes are made to update the process;
- Requires that applicants renewing an expired license provide proof of completing previously required trainings;
- Expands paths to licensure by increasing access to temporary practice permits and creating a retired active credential;
- Corrects and updates continuing education requirements such as removing HIV/AIDS education and adding health equity continuing education according to recent changes in statute;
- Corrects or removes outdated language and citations as needed without changing the effect of the rule; and
- Corrects a typographical error to WAC 246-843-335 (4)(c) to include nursing "home administrator."

Citation of Rules Affected by this Order: New WAC 246-843-335; and amending WAC 246-843-071, 246-843-090, 246-843-130, 246-843-180, and 246-843-231.

Statutory Authority for Adoption: RCW 18.52.030, 18.52.061, 18.52.071, 18.130.250, and 43.70.613.

Adopted under notice filed as WSR 23-20-116 on October 3, 2023.

Changes Other than Editing from Proposed to Adopted Version: No changes other than editing were made from the proposed version. The board corrected a typographical error in WAC 246-843-335 (4)(c) to include nursing "home administrator."

A final cost-benefit analysis is available by contacting Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, TTY 711, email nha@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 5, Repealed 0.

Date Adopted: November 13, 2023.

Rosalie Romano, Ph.D., Chair
Board of Nursing Home Administrators

OTS-4645.7

AMENDATORY SECTION (Amending WSR 19-19-050, filed 9/13/19, effective 10/14/19)

WAC 246-843-071 Application. (1) An applicant for licensure as a nursing home administrator shall:

(a) Be at least (~~twenty-one~~) 21 years old;

(b) Submit to DOH a completed application for licensure provided by DOH that includes all information requested and payment of fees as required in (~~chapter 246-12 WAC, Part 2~~) WAC 246-12-020 through 246-12-051 and WAC 246-843-990;

(c) Request the official transcripts of successful completion of a baccalaureate degree to be sent directly to DOH from a recognized institution of higher learning. If transcripts showing successful completion of a baccalaureate degree are not available, the recognized institution of higher learning must submit documentation specifically recognizing that the applicant has completed the requirements for a baccalaureate degree. A "recognized institution of higher learning" is a degree granting institution that is:

(i) Accredited by an organization recognized by the Council for Higher Education Accreditation (CHEA) and is included in the CHEA list recognized accrediting organizations; or

(ii) Accredited by an organization recognized by the United States Department of Education (USDOE) and is included in the USDOE Database of Accredited Postsecondary Institutions and Programs; or

(iii) A foreign institution with a program that the board has found to be the equivalent of programs approved by CHEA or by the USDOE. The transcript must also be evaluated and found to be valid and the academic program the equivalent of programs approved by CHEA or the USDOE, by:

(A) An organization that is a current member of the National Association of Credential Evaluation Services (NACES); or

(B) An organization that is a current member of the Association of International Credential Evaluators, Inc. (AICE); or

(C) An organization that reviews foreign transcripts and is recognized by a Washington state department of health board or program.

(d) (~~Verification of successful completion of seven hours of AIDS education and training as required in chapter 246-12 WAC, Part 8, (e)~~) Documentation of having satisfied training requirements including that the applicant:

(i) Has successfully completed an AIT program as described in WAC 246-843-090 and 246-843-091; or

(ii) Has met the requirements for an AIT exemption described in WAC 246-843-093.

(~~(f)~~) (e) Documentation that the applicant has successfully passed the examination as described in WAC 246-843-070.

(2) If an applicant is required to complete an AIT program, the applicant may concurrently earn their degree but shall submit proof of enrollment in a degree program at a recognized institution of higher learning. The transcript showing successful completion of the degree, sent directly from the institution, must be received before the applicant is approved to take the current NAB national examination.

(3) An applicant who has HSE designation from NAB may submit verification of the HSE directly from NAB to verify that he or she meets the requirements of subsection (1)(c) and ~~((+f))~~ (e) of this section.

(4) An applicant licensed as a nursing home administrator outside the state of Washington may apply for initial licensure through endorsement by meeting the requirements of WAC 246-843-230.

AMENDATORY SECTION (Amending WSR 19-19-050, filed 9/13/19, effective 10/14/19)

WAC 246-843-090 Administrator-in-training program. ~~((To qualify for a nursing home administrator license, an applicant must successfully complete a board approved nursing home administrator-in-training (AIT) program as described below:~~

~~(1))~~ Unless exempt by WAC 246-843-093, an applicant for the original license must complete an administrator-in-training (AIT) program according to this section as part of the original licensure process. The board must approve the AIT program before the applicant may begin the training.

(1) To participate in an AIT program, the applicant must submit to the department of health:

(a) In addition to the original license fee, the AIT program fee required in WAC 246-843-990; and

(b) (i) Information on forms provided by the department showing how the AIT program meets the requirements of subsection (2) of this section.

(ii) If the AIT program is less than 1,500 hours, the applicant must also include a resume and explanation of how the applicant meets the relevant requirements in WAC 246-843-091; and

(c) A statement sent directly by the preceptor on a form provided by the department that describes how the preceptor meets the requirements of WAC 246-843-095.

(2) The AIT program must consist of the following:

(a) Be under the guidance and supervision of a qualified preceptor as described in WAC 246-843-095;

(b) Be designed to provide for individual learning experiences and instruction based upon the person's academic background, training, and experience;

(c) Provide for a broad range of experience with a close working relationship between preceptor and AIT. A sponsoring facility of less than ~~((fifty))~~ 50 beds will be considered for an AIT program only if there is a board approved plan to broaden the AIT experience with an equal percentage of experience in a larger facility under the guidance and supervision of a qualified preceptor as described in WAC 246-843-095;

(d) Be described in a prospectus signed by the preceptor. The prospectus must include a description of the rotation through departments. The board must approve the prospectus before the AIT program start date.

~~((2))~~ The ~~((AIT program))~~ prospectus shall include the following components:

~~((a))~~ (i) A minimum of ~~((ninety))~~ 90 percent of the required AIT program hours are spent in a rotation through each department of a resident occupied nursing home licensed under chapter 18.51 RCW or a Washington state veterans home established under chapter 72.36 RCW ~~((b))~~; and

(ii) The remaining ~~((ten))~~ 10 percent of the AIT program will include:

~~((i))~~ (A) A written project assignment including at least one problem-solving assignment to improve the nursing home or nursing home procedures. A description of the project must be submitted in writing to the board and approved before the AIT program start date. The description of the project should indicate the definition of the project and method of approach such as data gathering. A project report that includes possible alternatives, conclusions, and final recommendations to improve the facility or procedure is to be submitted to the board for approval at least ~~((ten))~~ 10 days before the scheduled end date of the AIT program;

~~((ii))~~ (B) Planned reading and writing assignments as designated by the preceptor; and

~~((iii))~~ (C) Other planned learning experiences including learning about other health and social services agencies in the community.

~~(3)~~ ~~((The AIT program must be approved by the board before the AIT may begin the program.~~

~~(4)~~ ~~Quarterly written reports to the board shall include a detailed outline of AIT activities during the reporting period. Reports must be submitted by both the AIT and preceptor.~~

~~(5))~~ Preceptors of approved AIT programs shall submit quarterly reports to the department as follows:

(a) If the approved AIT program has more than one preceptor, each preceptor shall submit a quarterly report.

(b) The preceptor shall submit the final report to the department at least 10 days before the scheduled end date of the AIT program.

(c) Each quarterly report must:

(i) Be on forms provided by the department;

(ii) Describe a detailed outline of AIT activities during the reporting period which includes:

(A) A document completed by the AIT and signed by the preceptor;
and

(B) A document completed and signed by the preceptor.

~~(4)~~ Changes in the AIT program, including a change of preceptor, facility or topic, must be immediately reported in writing to the board. A request for change must be in writing and explain why the change is needed. ~~((The request must be co-signed by the AIT and the approved preceptor. In cases where the preceptor is no longer available, the request may be signed by the governing body. Only two changes for the duration of the AIT program will be allowed.~~

~~(6))~~ (5) A site visit by a board member will take place before the program plan is considered complete.

~~((7))~~ (6) The AIT program must be completed to the board's satisfaction as a condition of licensure. The board may withdraw approval or alter conditions under which approval was given if the board finds that the approved program has not been or is not being followed.

AMENDATORY SECTION (Amending WSR 21-17-079, filed 8/12/21, effective 10/10/21)

WAC 246-843-130 Continuing education requirements. (1) A licensed nursing home administrator shall demonstrate completion of ~~((thirty-six))~~ 36 hours of continuing education every two years and comply with ~~((chapter 246-12 WAC, Part 7))~~ WAC 246-12-170 through 246-12-240.

(2) Continuing education approved by the National Continuing Education Review Service (NCERS) is acceptable for continuing education credit.

(3) Continuing education that is not approved by NCERS must meet the following requirements:

(a) The basic methods of continuing education learning are:

- (i) Seminars;
- (ii) Teleconferencing;
- (iii) Webinars; and
- (iv) Self-study programs.

(b) Continuing education courses shall consist of a minimum of one hour of instruction. Hours are based upon clock hours and are calculated in half hour increments. College courses are rated at ~~((fifteen))~~ 15 hours per each semester unit and ~~((ten))~~ 10 hours per each quarter credit.

(c) Continuing education must relate to nursing home administration, be designed to promote continued knowledge and skills with nursing home administration standards, and improve and enhance professional competencies. Continuing education must fit within the following subjects:

- (i) Resident centered care;
- (ii) Human resources;
- (iii) Finance;
- (iv) Environment;
- (v) Leadership and management;
- (vi) Suicide prevention;

(vii) Cultural competency training, including health equity as required in subsection (4) of this section;

(viii) Laws relating to Washington state nursing homes;

(ix) Pandemic response and compliance measures. Examples include, but are not limited to, infection control measures, resident engagement, personal protective equipment procurement and training, emergency staffing, writing and updating policies and procedures pertaining to pandemic management, and other pandemic-related training.

(d) The licensee shall retain proof of course completion. To receive full credit, attendees shall attend the full program. The maximum number of hours allowed for continuing education is ~~((twelve))~~ 12 hours per day.

~~((e) Until December 31, 2022, licensees due to demonstrate completion of continuing education may accrue up to thirty-six of those hours in pandemic response and compliance measure subjects described in (c)(ix) of this subsection. During this time, if proof of course completion is not provided for pandemic response and compliance measure courses earned under self-study programs as allowed under (a)(iv) of this subsection, the licensee may sign an attestation on a form provided by the department.))~~

(4) A licensee must complete a minimum of two hours of health equity education every four years according to the requirements of WAC 246-12-830. The two hours may count toward the total 36 hours required

for a continuing education cycle. Health equity means all people have the same opportunities and equal access in order to attain their full health potential regardless of the color of their skin, ancestry, ethnicity, level of education, gender identity, sexual orientation, age, religion, socioeconomic status, the job they have, the neighborhood they live in, or their ability status.

(5) Continuing education credit of two hours per month may be granted to a preceptor of an administrator-in-training program.

~~((5))~~ (6) Continuing education credit of a maximum of two hours per month may be granted for serving as a board member for the board of nursing home administrators.

~~((6))~~ (7) Within ~~((one hundred eighty))~~ 180 days after becoming licensed, a nursing home administrator shall attend a board approved course on laws relating to nursing homes in Washington. The board will grant retroactive credit to those licensees who obtain the required training as administrators-in-training under WAC 246-843-090. The state law training course consists of a minimum of a six-hour program, with formal training objectives, that covers the requirements of chapter 18.52 RCW and essential areas of laws that apply to nursing homes regulated by the department of social and health services under chapter 388-97 WAC to include:

- (a) Resident services, medical and social;
- (b) Resident rights, including resident decision making, informed consent, advance directives and notices to residents;
- (c) Enforcement;
- (d) Criminal history inquiries;
- (e) Differences between federal and state law.

AMENDATORY SECTION (Amending WSR 19-19-050, filed 9/13/19, effective 10/14/19)

WAC 246-843-180 Expired license. (1) To return to active status, the nursing home administrator with an expired license shall ~~((meet))~~ provide the department of health an application meeting the requirements of WAC 246-12-040.

(2) If the license has been expired for one year or more, the applicant must also submit proof of completing the course required by WAC 246-843-130(7) if the applicant did not do so prior to the license expiring.

(3) If the license has been expired for five years or more, the ~~((nursing home administrator))~~ applicant shall also meet one of the following requirements:

- (a) Provide proof of an active status license as a nursing home administrator from another state that has requirements that are substantially equivalent to Washington requirements;
- (b) Provide proof that the applicant has been in active practice as a licensed nursing home administrator in another jurisdiction during that time; or
- (c) Successfully pass the current licensing examination as described in WAC 246-843-170.

AMENDATORY SECTION (Amending WSR 19-19-050, filed 9/13/19, effective 10/14/19)

WAC 246-843-231 Temporary practice permits. (1) An applicant seeking permanent licensure who satisfies all licensing requirements other than a fingerprint-based national background check may receive a temporary practice permit by satisfying requirements listed in WAC 246-12-050.

~~(2) ((Temporary practice permits for applicants seeking licensure for interim placement at specific facilities.~~

~~(a-)) A temporary practice permit for interim placement at specific facilities may be issued to an applicant who ((meets the following conditions)):~~

~~(a) Has no violations identified in the Washington criminal background check; and~~

~~(b) (i) Holds an unrestricted active license in another state ((+ (ii-)) where the license holder is not subject to denial of a license or issuance of a conditional or restricted license; ((and~~

~~(iii) There are no violations identified in the Washington criminal background check and the applicant meets all other licensure conditions including receipt by DOH of a completed Federal Bureau of Investigation (FBI) fingerprint card.~~

~~(b-)) or~~

~~(ii) Meets one of the requirements for an AIT exemption described in WAC 246-843-093.~~

~~(3) The temporary practice permit for interim placement allows the applicant to work in the state of Washington as a nursing home administrator within the full scope of practice during the time specified on the permit. ((The temporary practice permit grants the applicant a license to practice within the full scope of practice as a nursing home administrator with the following conditions:~~

~~(i) A temporary practice permit is valid only for the specific nursing home for which it is issued unless otherwise approved by the board;~~

~~(ii) A temporary permit holder))~~

~~(4) A holder of a temporary permit for interim practice shall consult with a Washington state licensed nursing home administrator with whom they have a written agreement for consultation.~~

~~((c) A temporary practice permit will not be renewed, reissued, or extended. A temporary practice permit expires when one of the following occurs:~~

~~(i) The permit holder departs from the nursing home, unless otherwise approved by the board;~~

~~(ii) One hundred eighty days after the temporary practice permit is issued.~~

~~(d-)) (5) A temporary permit for interim practice expires 180 days after it is issued and will not be renewed, reissued, or extended.~~

~~(6) To receive a temporary practice permit for interim placement, the applicant shall submit to DOH:~~

~~((i-)) (a) Fees and a completed application for the permit;~~

~~((ii) Verification from each state in which the applicant is currently licensed and is in good standing as a nursing home administrator)) (b) Through use of state or national online data banks or records, verification of the applicant's currently held state nursing home administrator's license in good standing; and~~

~~((iii))~~ (c) A written agreement for consultation with a Washington state licensed nursing home administrator.

NEW SECTION

WAC 246-843-335 Retired active credential. (1) A licensed nursing home administrator may place their credential in "retired active" status by meeting the requirements of this section.

(2) A licensed nursing home administrator who holds a retired active credential may practice not more than 90 days a year. This limit may be exceeded in emergent emergency circumstances including, but not limited to, earthquakes, floods, times of declared war, or other federal or state emergencies.

(3) To obtain a retired active credential, a licensed nursing home administrator must:

- (a) Meet the requirements in WAC 246-12-120; and
- (b) Pay the appropriate fee in WAC 246-843-990.

(4) To renew a retired active credential, the licensed nursing home administrator must:

- (a) Meet the requirements in WAC 246-12-130.
- (b) Pay the appropriate fee in WAC 246-843-990.
- (c) Complete 36 hours of continuing nursing home administrator education within a two-year period prior to the renewal of licensure in compliance with WAC 246-843-130.

(d) Renew their retired active credential every year on their birthday.

(5) To return to active status, the licensed nursing home administrator must meet the requirements in WAC 246-12-140. The active renewal fee is in WAC 246-843-990.

(6) A licensed nursing home administrator who holds a retired active credential is subject to a continuing competency audit as outlined in WAC 246-12-170 through 246-12-240.