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INDEPENDENT REGULATORY
REVIEW COMMISSION

Regulatory Analysis Form

(1) Agency

Department of State
Bureau of Professional and Occupational Affairs
State Board of Examiners of Nursing Home Administrators

(2) I.D. Number (Governor's Office Use)

16A-627

IRRC Number: 2600

(3) Short Title

Administrator-in-Training Program

(4) PA Code Cite

49 Pa. Code §§ 39.1, 39.5,
39.61, 39.72, 39.101 - 39.103

(5) Agency Contacts & Telephone Numbers

Primary Contact: Roberta L. Silver, Counsel
State Board of Examiners of Nursing Home
Administrators (717) 783-7200
Secondary Contact: Joyce McKeever, Deputy Chief
Counsel, Department of State (717) 783-7200

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
- Final Order Adopting Regulation
- Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
- Yes: By the Attorney General
- Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The proposed administrator-in-training program would give NHA candidates who have baccalaureate or master's degrees an incentive and an alternative option to become licensed NHAs. Specifically, the proposed program will permit an individual who meets the educational standards to serve as an administrator-in-training (AIT), or intern, under the supervision of a licensed NHA, who will function as a mentor to the AIT.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The regulatory amendments are proposed under sections 4(a)(1) and 4(c) of the Nursing Home Administrators License Act (act), 63 P.S. §§ 1104(a)(1) and (c).

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No. The proposed regulation is not mandated by any federal or state law or court order, or federal regulation.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

This is a profession that has seen a significant decline in the number of licensees over the past 5 years. Under the current regulations, candidates seeking permission from the Board to sit for the NHA examination must have served 6 to 12 months as assistant NHAs. Many, if not most, nursing homes simply cannot afford to hire and pay assistant administrators. Therefore, it has become exceedingly difficult for candidates to obtain the requisite experience under the current regulations. Under this proposed regulation, the profession will attract candidates by giving them an alternative way to gain the experience required to sit for the NHA examination and become licensed NHAs.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation would adversely impact the health and safety of the consumer. The proposed regulation will ensure that potential NHA licensees have the skills to safely run nursing homes.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Obviously, candidates who are seeking to become NHAs would benefit greatly from the regulation because it would give them an additional means to gain the skills and become licensed. The residents of nursing homes would also benefit because they would be assured that the administrators of the homes in which they are residents are well qualified.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No one would be adversely affected by the regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Candidates who cannot meet the requirement that they serve as an assistant administrator or supervisor will be required to complete the requisite hours as an administrator-in-training. It is impossible to quantify the number of candidates.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

A draft exposure was sent to approximately twenty-five interested parties on September 28, 2001. The Board did not receive any responses. However, after substantial revisions by the Board, another draft was sent to interested parties on May 27, 2004. The Board received one response from the Pennsylvania Association of County Affiliated Homes (PACAH) which stated that "PACAH and its members support the Board's efforts whole-heartedly."

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The regulated community would not incur any costs or savings associated with this proposed regulation. Only those candidates participating in the AIT program would incur costs associated with compliance.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Local governments will not be affected by this regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The Board will incur an increase in administrative costs by implementing the regulation. However, that cost will be paid by the AIT.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current fiscal year and five subsequent years.

	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
SAVINGS:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	\$3,500	\$ 3,500	\$3,500	\$3,500	\$3,500	\$3,500
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

The Board estimates 70 individuals will apply for AIT status each year. The application fee of \$50.00 results in an estimated annual cost to the regulated community of \$3,500.

The costs to the Board of implementing the AIT program are not easily quantifiable, however most of the costs will be offset by the application fees, which will be reviewed and adjusted as needed.

Regulatory Analysis Form

(20b) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY-3 (2002-2003) Actual	FY- 2 (2003-2004) Actual	FY- 1 (2004-2005) Actual	Current FY (2005-2006)
State Board of Examiners of Nursing Home Administrators	\$ 208,123.21	\$ 213,042.26	\$ 201,242.06	\$ 250,000.00*
				* Budgeted

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The benefits identified in (13) outweigh the minimal costs associated with the proposed rulemaking.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

No nonregulatory alternatives were considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No alternative regulatory schemes were considered.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No federal licensure standards apply.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

This regulation will not put Pennsylvania licensees at a competitive disadvantage with other states. There are several states that have AIT regulations. Pennsylvania is among the few states that do not. This rulemaking package was modeled after those regulations that have proved successful in Ohio, Maryland and North Carolina.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will have no effect on other regulations of the Board or other state agencies.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews its regulatory proposals at regularly scheduled public meetings each month, generally on the second Wednesday of every month. Meetings are held in the Bureau of Professional and Occupational Affairs' offices at 2601 North Third Street, Harrisburg, Pennsylvania. Please contact the Board Administrator for further information or see the Department of State's website at www.dos.state.pa.us/nha.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

The regulation will increase the amount of paperwork for the Board office. Specifically, the prospective licensee will file an AIT application with the Board office. There will be additional follow-up paperwork associated with the program. The forms necessary for implementation of the AIT program have not yet been created.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has perceived no special needs of any subset of its licensees for whom special provisions should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The regulation will be effective upon publication in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

There is no schedule at this time for continual review of the regulation. The Board continuously monitors its regulations as required by Executive Order 1996-1.

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FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

2600

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Copy below is hereby approved as to form and legality. Attorney General.

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

BY: *James M. Elliott*
(DEPUTY ATTORNEY GENERAL)

State Board of Examiners of Nursing Home Administrators
(AGENCY)

Andrew C. Clark
BY: Andrew C. Clark

MAR 14 2007

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-627

DATE OF ADOPTION: _____

BY: *Barry Ramper, II* # NHA
Barry Ramper, II, NHA

JAN 30 2007

DATE OF APPROVAL

(Deputy General Counsel
(Chief Counsel,
Independent Agency
(Strike inapplicable
title)

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if applicable. No Attorney General approval or objection within 30 day after submission.

PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
49 PA. CODE, CHAPTER 39
STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS
ADMINISTRATOR-IN-TRAINING PROGRAM
16A-627

The State Board of Examiners of Nursing Home Administrators (Board) proposes to amend §§ 39.1, 39.5, 39.61 and 39.72 and to add §§ 39.101 – 39.103 (relating to administrator-in-training; administrator-in-training program; and administrator-in-training program reports) to read as set forth in Annex A. The proposed rulemaking would update and revise the requirements for admission to the licensing examination.

A. Effective Date

The amendments will be effective on publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

B. Statutory Authority

Under section 4(c) of the Nursing Home Administrators Licensing Act (act) (63 P.S. § 1104(c)), the Board is authorized to make rules and regulations as may be necessary for the proper performance of its duties. Under section 4(a)(1) of the act, the Board is authorized to develop, impose and enforce standards that must be met by individuals in order to receive a license as a nursing home administrator (NHA). These standards must be designed to insure that NHAs will be individuals who are of good character and are otherwise suitable and qualified by training or experience in the field of institutional administration to serve as NHAs.

C. Background and Need for Amendments

Section 39.5(a) (relating to requirements for admission to licensing examination; examination procedures) provides that a candidate who seeks admission to the licensing examination shall meet the following requirements: (1) be at least 21 years of age; (2) submit evidence of good moral character and suitability as prescribed by the Board in the examination application; and (3) pay the required fee for examination and licensure.

In addition to the above-mentioned general requirements, § 39.5(b) gives candidates the opportunity to sit for the examination provided they meet certain educational and experience requirements. Each of the five options requires candidates to serve 6 to 12 months as assistant nursing home administrators prior to sitting for the examination. Many nursing homes simply cannot afford to hire and pay assistant administrators. Therefore, it is exceedingly difficult for candidates to obtain the requisite experience under the current regulations.

In a profession that has seen a significant decline of licensees over the past 5 years, the institution of an administrator-in-training program (AIT), as proposed by this rulemaking, will give candidates who do not meet the requirements of § 39.5(b) an incentive and an alternative option to

become licensed NHAs. The Board believes that, by offering candidates who meet the rigid standards of higher education an additional means of qualifying to sit for the examination, more candidates would be encouraged to enter the field of nursing home administration.

The proposed AIT program will permit an individual with a baccalaureate or master's degree to serve as an AIT, or intern, under the supervision of an NHA, who will function as a mentor to the AIT. Under the NHA's supervision, a candidate with a baccalaureate degree will be required to obtain 1,000 hours of experience in the practice of nursing home administration, while a candidate with a master's degree will be required to obtain 800 hours. Each AIT program will be individualized and approved, in advance, by the Board. Each program must have a detailed, goal-oriented training plan with supporting documentation that relates educational objectives, subject areas of the required core of knowledge, estimated number of hours for mastering each objective and the total number of hours involved. This program must consist of no less than 20 hours nor more than 60 hours per week. At the completion of the AIT program, both the supervising NHA and candidate must submit to the Board comprehensive documentation that the candidate is qualified to sit for the examination.

North Carolina, Ohio and Maryland currently have AIT programs in place. This proposed rulemaking is similar to the AIT regulations of those states. Those states, however, require that the supervising NHA attend a training course to become "preceptors" to the AIT. This proposal requires that the supervisor to the AIT be licensed by the Board and be employed as the administrator-of-record at the facility where the AIT is training.

D. Description of Proposed Amendments

§ 39.1 (relating to definitions).

The Board proposes to add the following definitions to § 39.1:

Administrator-in-training (AIT) – An individual registered with the Board under § 39.101 (relating to administrator-in-training) to serve a period of practical training and experience under the supervision of a licensed nursing home administrator.

Administrator-in-training program – A program established by the Board as a means for an applicant for licensure as a nursing home administrator to obtain practical training and experience under the supervision of a licensed nursing home administrator.

§ 39.5 (relating to requirements for admission to licensing examination; examination procedures).

The proposed amendments to § 39.5 would change the experience requirements to immediately precede the date of application, not date of examination.

Section 39.5(b)(3)(ii) would be amended to add a baccalaureate degree equivalent to nursing home administration as an alternative to a baccalaureate degree in nursing home administration and the requirement that the candidate who possesses the equivalent degree provide transcripts that demonstrate that the candidate has completed a 120-hour course in nursing home administration as part of the baccalaureate curriculum.

Sections 39.5(b)(3)(iii)(C) and (4)(ii)(B) would be amended to add an experience alternative for candidates with baccalaureate or baccalaureate-equivalent degrees and master's degrees to participate in the AIT program in lieu of obtaining actual experience in a nursing home or health related facility prior to sitting for the examination.

§ 39.61 (relating to requirements).

The Board proposes to add §§ 39.61(b)(5) to provide that up to 24 clock hours of continuing education may be obtained through serving as a supervisor in a Board-approved AIT program, when the AIT successfully completes the AIT program pursuant to § 39.103 (relating to AIT program reports).

§ 39.72 (relating to fees).

The Board proposes to amend § 39.72 to include a \$ 50 AIT application fee.

Administrator-in-Training Program

The Board proposes to add §§ 39.101 – 39.103, (relating to administrator-in-training; administrator-in-training program; and administrator-in-training program reports) to institute the AIT program.

Section 39.101 requires an AIT applicant to file an application with the Board and describes the criteria for approval as an administrator-in-training.

Section 39.102 requires documentation for the individualized AIT program, which includes a pre-training assessment of the AIT's background and a written training plan prepared by the AIT and supervisor for approval by the Board. This section also sets forth the weekly and hourly requirements and that the program may not consist of more than 60 hours per week nor less than 20 hours per week. Further, this section sets forth procedures in the event the AIT program is discontinued or terminated before completion.

Section 39.103 sets forth the procedure for AIT program reports that must be submitted to the Board by both the AIT and the AIT's supervisor within 30 days of completion of the AIT program.

E. Fiscal Impact

The proposed rulemaking will have a limited fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking establishes a new fee associated with the proposed AIT program. However, this fee is intended to defray a portion of the Board's operational costs. There are no other costs or savings to the State government associated with implementation of the proposed rulemaking.

F. Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fee and to create applications for AITs. The Board will further provide a detailed training plan to NHAs who supervise AITs. Further, the rulemaking will create additional paperwork for AITs and supervisors, who will be responsible for submitting a detailed, individualized AIT framework for each AIT and documentation of progress and completion of the AIT program.

G. Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on **March 28, 2007** the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the

Governor of comments, recommendations or objections raised.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Christina Stuckey, Administrator, State Board of Examiners of Nursing Home Administrators, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649, (cstuckey@state.pa.us) within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-627 (Administrator-in-Training Program) when submitting comments.

ANNEX

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 39. STATE BOARD OF EXAMINERS OF
NURSING HOME ADMINISTRATORS

GENERAL

§ 39.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Administrator-in-training (AIT)—An individual registered with the Board under § 39.101 (relating to administrator-in-training), to serve a period of practical training and experience under the supervision of a licensed nursing home administrator.

Administrator-in-training program—A program established by the Board as a means for an applicant for licensure as a nursing home administrator to obtain practical training and experience under the supervision of a licensed nursing home administrator.

* * * * *

§ 39.5. Requirements for admission to licensing examination; examination procedures.

* * * * *

(b) A candidate who seeks admission to the licensing examination shall also meet one of the following sets of education and experience requirements. The candidate shall:

(1) Have:

(i) [Commencing March 1, 1993, successfully] Successfully completed 120 clock hours in a program of study approved by the Board as prescribed in § 39.14(a)(2) (relating to approval of programs of study).

(ii) Successfully completed 2 academic years of college-level study, 30 semester hours each year, in an accredited institution of higher learning.

(iii) Done one of the following:

(A) During the 18 months immediately preceding the date of [examination]application, acquired experience in the practice of nursing home administration by having served satisfactorily in a nursing home or related health facility as a full-time assistant administrator under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of this Commonwealth.

(B) During 3 of the 5 years immediately preceding the date of [examination]application, served satisfactorily as a full-time supervisor in a nursing home or related health facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(2) Have:

(i) [Commencing March 1, 1993, successfully] Successfully completed 120 clock hours in a program of study approved by the Board as prescribed in § 39.14(a)(2).

(ii) Been issued a registered nurse license in this Commonwealth which is currently renewed.

(iii) Done one of the following:

(A) [Served] During the 18 months immediately preceding the date of the application, served satisfactorily as a full-time Director of Nursing for 6 months and, during the 12 months immediately preceding the date of [examination]application, but not concurrent with the service as a Director of Nursing, acquired experience in the practice of nursing home administration by having served satisfactorily as a full-time assistant administrator in a nursing home or related health facility under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of this Commonwealth.

(B) During 2 of the 5 years immediately preceding the date of [examination]application, served satisfactorily as a full-time Director of Nursing in a nursing home or related health facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(3) Have:

(i) Been awarded a baccalaureate degree from an accredited college or university.

(ii) [Commencing March 1, 1993, successfully] Successfully completed 120 clock hours in a program of study approved by the Board as prescribed in § 39.14(a)(2), unless the candidate has a baccalaureate degree in nursing home administration[.] or a baccalaureate degree in a program equivalent to nursing home administration. The burden is on the candidate to demonstrate that the baccalaureate degree that the candidate has earned is equivalent to a baccalaureate degree in nursing home administration. Baccalaureate degree equivalency will be determined by the Board based upon the applicant's transcripts and course descriptions. Candidates who have successfully completed a baccalaureate curriculum which is not in nursing home administration or equivalent to nursing home administration, but incorporates the 120-hour program as part of the curriculum, are not required to complete the 120-hour program separately. The burden is on the candidate to demonstrate that the 120-hour program is incorporated in the baccalaureate curriculum. The Board will evaluate the transcripts and course descriptions of the candidate to determine if the 120-hour program was successfully completed as part of the baccalaureate curriculum.

(iii) Done one of the following:

(A) During the 9 months immediately preceding the date of [examination] application, acquired experience in the practice of nursing home administration by having served satisfactorily in a nursing home or related health facility as a full-time assistant administrator under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(B) During 18 months of the 5 years immediately preceding the date of [examination]application, served satisfactorily as a full-time supervisor in a nursing home or related health facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(C) [During 2 of the 5 years preceding the date of examination, which date of examination may not be later than August 31, 1995, served satisfactorily as a full-time chief administrator in a nursing home or related health facility.] During the 2 years immediately preceding the date of application, acquired 1,000 hours of experience in the practice of nursing home administration by having served satisfactorily as an administrator-in-training in a nursing home under the supervision of a full-time nursing home administrator licensed in the Commonwealth or in another state whose licensing standards are equal to those of this Commonwealth, in accordance with §§ 39.101-39.103 (relating to administrator-in-training (AIT); administrator-in-training program; and administrator-in-training program reports).

(4) Have:

(i) Been awarded, from an accredited college or university, a master's degree in nursing home administration, in hospital administration, in public health administration or in another academic area, including social gerontology, in which there is an emphasis in related health facility administration.

(ii) Done one of the following:

(A) [Either] During the 5 years immediately preceding the date of application, either acquired 6 months of satisfactory full-time supervisory experience in the administration of a nursing home under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth or acquired 6 months of satisfactory full-time experience in the administration of a related health facility under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the commonwealth[,except that an individual who is acquiring satisfactory full-time experience in the administration of a related health facility on December 31, 1994, even though the experience is not being acquired under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth, shall have until June 30, 1995, to apply for admission to the licensing examination under the regulations in effect immediately prior to December 31, 1994.]

(B) During the 2 years immediately preceding the date of application, acquired 800 hours of experience in the practice of nursing home administration by having served satisfactorily as an administrator-in-training in a nursing home under the supervision of a fulltime nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth, in accordance with §§ 39.101-39.103 (relating to administrator-in-training (AIT); administrator-in-training program; and administrator-in-training program reports).

(5) Have:

(i) [Commencing March 1, 1993, successfully] Successfully completed 120 clock hours in a program study approved by the Board as prescribed in § 39.14(a)(2).

(ii) Acquired 2 years of satisfactory practical experience in the administration of a nursing home or related health facility, 1,000 hours of which practical experience shall have been under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth. A candidate will be required to appear personally before the Board to present documentation of the satisfactory practical experience claimed which includes a general knowledge of each of the following areas that are generally dealt with by a nursing home administrator: budget, hiring and firing, planning, personnel, supervision of staff, psychology of patients, medical and legal terminology, Federal and State rules and regulations governing nursing homes, rights of patients, basic principles of contract and tort law, principles of safety, purchasing, dietetic requirements and patient care.

(iii) Done one of the following:

(A) During the 18 months immediately preceding the date of [examination] application, acquired experience in the practice of nursing home administration by having served satisfactorily in a nursing home or related health facility as a full-time assistant administrator under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(B) During 3 of the last 5 years immediately preceding the date of examination] application, served satisfactorily as a full-time supervisor in a nursing home or related health facility, 1,000 hours of which service shall have been in the practice of nursing home administration under the supervision of a full-time nursing home administrator licensed in this Commonwealth or in another state whose licensing standards are equal to those of the Commonwealth.

(c) The [1,000] hours of experience in the practice of nursing home administration required of a candidate qualifying under subsection (b)(1)(iii)(B), (2)(iii)(B), (3)(iii)(B) or C. (4)(ii)(B) or (5)(iii)(B) is designed to insure that the candidate has been exposed to hands-on practical application of the areas of educational training required in § 39.14(a)(2). The [1000] hours of experience shall include a minimum of 300 hours in general administration, a minimum of 250 hours in patient services and care and a minimum of 250 hours in health and social service delivery systems. [The 200] Any remaining hours may be distributed as needed to obtain the best results for each individual candidate. The nursing home administrator who supervised the candidate shall certify that the candidate has acquired the minimum number of hours for each area.

* * * * *

CLOCK HOURS REQUIREMENT

39.61. Requirements.

* * * * *

(b) Of the 48 hours required, the following applies:

* * * * *

(5) Up to 24 clock hours may be obtained by serving as a supervisor in a Board-approved administrator-in-training program, when the administrator-in-training successfully completes the administrator-in-training program.

(6) A maximum of 6 clock hours may be awarded retroactively for attending programs, to include lectures, and college or university courses, which have not been

preapproved. The attendee shall submit a written request for approval within 30 days of attending the program and document attendance. The attendee shall demonstrate to the Board's satisfaction that the programs meet the requirements of §§ 39.14(a)(2) and 39.51 (relating to approval of programs of study; and standards for continuing education programs).

* * * * *

RENEWAL

§ 39.72. Fees.

The following is a schedule of fees charged by the Board:

* * * * *

<u>Administrator-in-training application fee</u>	<u>\$50</u>
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* * * * *

ADMINISTRATOR-IN-TRAINING PROGRAM

§ 39.101. Administrator-in-training (AIT).

(a) An applicant seeking to become an administrator-in-training shall file an application for approval on a form prescribed by the Board.

(b) To be approved as an administrator-in-training, the applicant shall:

(1) Have attained the general education requirements in § 39.5(b)(3)(i) or (b)(4)(i) (relating to requirements for admission to licensing examination; examination procedures) or be enrolled in the final year of a baccalaureate or master's degree program at an accredited college or university.

(2) Verify that if the AIT is employed at the nursing home in any capacity other than that of administrator-in-training during the period of practical training and experience, that employment is in addition to the hours required for the AIT program.

§ 39.102. Administrator-in-training program.

(a) The AIT program must provide documentation that the following requirements have been met:

(1) The AIT and the AIT's supervisor have jointly made a pre-training assessment of the AIT's background in terms of educational level, pertinent experience, maturity, motivation and initiative.

(2) Based on the pre-training assessment, the AIT and the AIT's supervisor jointly have developed a detailed, goal-oriented training plan with supporting documentation which includes:

(i) Educational objectives.

(ii) Subject areas of the core of knowledge as required by §§ 39.5(c) and 39.7 (relating to requirements for admission to licensing examination; examination procedures; and subject matter for examinations).

- (iii) Training sites or agencies involved.
- (iv) Estimated number of hours needed for mastering each objective.
- (v) Total of hours in the training plan.

(3) Prior to its implementation, the training plan must be submitted for approval by the Board on forms provided by the Board. The training plan must include supporting documentation for the training plan, including the allocation of hours to the subject areas required by §§ 39.5 (c) and 39.7.

(4) A minimum of 80 percent of the training must occur from Monday through Friday between the hours of 7 a.m. and 7 p.m. An AIT program may not consist of more than 60 hours per week nor less than 20 hours per week.

(b) The Board has the right to monitor and call for conference any AIT or AIT supervisor during the course of the AIT program.

(c) Following the completion of the AIT program and prior to admission to the examination for licensure, the Board will review the report required by § 39.103 (relating to administrator-in-training program reports) to determine if the applicant has received training consistent with this section.

(d) If the AIT program is discontinued prior to completion, the following shall apply:

(1) An AIT program which has been discontinued by a period of full-time military service may be completed within a year after that military service.

(2) An AIT program which has been discontinued for any reason other than military service may not be completed if the absence exceeds 1 year from the date of discontinuance.

(3) If an AIT program has been discontinued before completion for any reason beyond AIT or supervisor control, the AIT and supervisor may apply to the Board for consideration of credit for the period of time completed.

(i) The AIT requesting consideration shall explain why the AIT program was discontinued, how the AIT intends to complete the training and document his progress in the manner required by §39.104 (relating to administrator-in-training program reports).

(ii) The supervisor requesting consideration shall explain why the AIT program was discontinued and document the hours that the supervisor spent on the training program.

(4) Only one discontinuance will be permitted.

§ 39.103. Administrator-in-training program reports.

Within 30 days of the completion of the AIT program, the AIT and supervisor shall submit to the Board a report on the AIT's progress on forms provided by the Board. The AIT and supervisor shall sign the report, verifying the accuracy of the information. The report must include, at a minimum:

- (1) The names of the AIT and supervisor.
- (2) The place of training.
- (3) A statement of the subject areas covered during the program.
- (4) A list of the departments in which the AIT trained, as well as initials of department managers to verify that the AIT trained in those departments.
- (5) The number of hours the AIT has completed during the program in each subject area.
- (6) A description of the administrative activities in which the AIT has participated.
- (7) Suggestions for improvement in the program.
- (8) Other information that the Board requests.

FEE REPORT FORM

Agency: State - BPOA

Date: April 11, 2006

Contact: Basil Merenda
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Registration of Student for Nursing Home Administrator In Training Program:

Registration Fee: \$50.00

Estimated Biennial Revenue: (\$7,000.00) (140 Applications x \$50.00)

Fee Description:

The fee will be charged to every student registering for the Nursing Home Administrator In Training Program.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Examiners of Nursing Home Administrators to process a registration for student training and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time – process registration request:	(.25 hr)	4.27
Administrative Overhead:		<u>45.43</u>
	Total Estimated Cost:	\$46.70
	Proposed Fee:	\$50.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$50.00 be established for processing a registration of student training.

Registration for Student Training

Board Staff – receives application, reviews for completeness, contacts applicant to request any missing information and/or documents, issues registration when application is complete.

PUBLIC COMMENTATORS FOR 16A-627

There were no public comments received relating to Regulation 16A-627



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF EXAMINERS OF NURSING
HOME ADMINISTRATORS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7155

March 28, 2007

The Honorable Arthur Coccodrilli, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Examiners of Nursing Home Administrators
16A-627: Administrator-in-Training Program

Dear Chairman Coccodrilli:

Enclosed is a copy of a proposed rulemaking package of the State Board of Examiners of Nursing Home Administrators pertaining to Administrator-in-Training Program.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

Barry S. Rampert, II, Chairperson
State Board of Examiners of Nursing Home
Administrators

BSR/RLS:rs

Enclosure

cc: Basil L. Merenda, Commissioner
Bureau of Professional and Occupational Affairs
Albert H. Masland, Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Gerald Smith, Senior Counsel in Charge
Department of State
Roberta L. Silver, Counsel
State Board of Examiners of Nursing Home Administrators
State Board of Examiners of Nursing Home Administrators

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-627
 SUBJECT: ADMINISTRATOR-IN-TRAINING PROGRAM
 AGENCY: DEPARTMENT OF STATE
 STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

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 INDEPENDENT REGULATORY
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3/28/07	<i>Deborah...</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
3/28/07	<i>Bruce...</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
3/28/07	<i>Kathy Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
3/28/07	<i>C. Lee - Brown</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)