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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

PROFESSIONAL LICENSURE - MAJORITY CHAIRMAN
AGRICULTURE & RURAL AFFAIRS
FINANCE
RULES
MAJORITY POLICY
CAPITOL PRESERVATION

May 23, 2007

2600

Mr. Kim Kaufman
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

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

Dear Mr. Kaufman:

The House Professional Licensure Committee on this date voted to take no formal action on Regulation 16A-627 until final regulation is promulgated and submit the following comments:

1. Regarding the statutory authority for the Board to promulgate regulations to create an AIT program, the Committee questions the Board's authority to do so and would like further explanation.
2. Regarding the change to 49 Pa. Code §39.5(b)(3)(ii), the Board places the burden on the candidate to demonstrate that the degree is equivalent to one in nursing home administration. The Committee questions the placement of this burden without more specific guidelines for the student and suggests that the Board provide a minimum criteria.
3. Regarding § 39.102(d)(4), the statement "only one discontinuance will be permitted" appears vague and does not specify to whom it applies and the Committee requests more clarification.
4. Regarding §39.102(d)(3), the Committee would like more information regarding an AIT's remedy for discontinuance by a supervisor or inadequate supervision.
5. Regarding §39.102(b), the Committee would like further information regarding how the board will monitor a supervisor or an AIT.
6. The Committee notes the requirement for criminal background checks to be completed upon employees of a nursing home pursuant to the act of November 6, 1987 (P.L. 381, No. 79) known as the Older Adult Protective Services Act. The Committee also notes the absence of any provision which would apply this same standard to an AIT, therefore the Committee requests that the AIT be required to also have a criminal background check.
7. Regarding §39.101(b)(1), this states that an AIT applicant may be enrolled in the final year of a baccalaureate or master's degree program at an accredited college or university. The Committee requests further information on whether the Board plans to coordinate the efforts of this program with colleges and universities how the Board would facilitate this.

Sincerely,

A handwritten signature in cursive script, appearing to read "P. Michael Sturla".

P. Michael Sturla
Chairman, House Professional Licensure Committee

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2007 MAY 23 PM 2:56
INDEPENDENT REGULATORY
REVIEW COMMISSION

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

PROPOSAL: Regulation 16A-627 is a Proposed Regulation which was delivered to the House Professional Licensure Committee on March 28, 2007. The House Professional Licensure Committee has until June 6, 2007, to submit comments on the Proposed Regulation.

Regulation 16A-627 amends 49 Pa. Code § 39.1, definitions, to add the definitions of “administrator-in-training (AIT)” and “administrator-in-training program.” 49 Pa. Code § 39.5, relating to requirements for admission to licensing examination; examination procedures, will be amended to change certain requirements for admission to the licensing examination. The Board proposes the addition of 49 Pa. Code § 39.61(b)(5), relating to requirements, to allow a supervisor for the AIT program to receive credits for continuing education. 49 Pa. Code 39.72, relating to fees, will be amended to include a \$50 fee for an AIT application. The Board also proposes to add 49 Pa. Code §§39.101-39.103, relating to administrator-in-training; administrator-in-training program; and administrator in training program reports, to institute the AIT program.

ANALYSIS: Proposed Rulemaking 16A-627 proposes to amend 49 Pa. Code § 39.1, definitions, to include the definition of “administrator-in-training (AIT)” and “administrator-in-training program.” An “administrator-in-training (AIT) is defined as “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.” An “administrator-in-training program” is defined as “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.”

49 Pa. Code § 39.5, requirements for admission to licensing examination; examination procedures, would be amended throughout to change the experience requirements to immediately proceed the date of the application rather than the date of the examination. 49 Pa. Code §39.5(b)(3)(ii) would be amended to include a baccalaureate degree in a program equivalent to nursing home administration as an acceptable degree. The burden is placed on the candidate to demonstrate that the degree is equivalent to one in nursing home administration and will be determined by the Board based upon the applicant’s transcripts and course descriptions and a 120 hour course in nursing home administration.

49 Pa. Code §§ 39.5(b)(3)(iii)(C) and (b)(4)(ii)(B) would be amended to add experience alternatives for candidates participating in the AIT program. Specifically, Section 39.5(b)(3)(iii)(C) which addresses candidates with a baccalaureate degree, changes the current requirement that a candidate serve as a full-time chief administrator in a nursing home or related facility during 2 of the 5 preceding years, to the requirement that the candidate must complete 1,000 hours of the AIT program. Section 39.5(b)(4)(ii)(B), which addresses candidates with a master’s degree, would allow for the completion of 800 hours of the AIT program.

Section 39.61, requirements, would allow a supervisor participating in the AIT program to receive up to 24 clock hours of continuing education.

Section 39.72, fees, would be amended to include a \$50.00 administrator-in-training application fee.

New Sections 39.101-103 would be added to include the AIT program in the regulations. Specifically, Section 39.101, administrator-in-training (AIT), would require an applicant for the program to file an application with the Board. To be approved for the AIT program, an applicant must complete the requirements for admission to the licensing examination or be enrolled in the final year of a baccalaureate or master's degree program at an accredited college or university and verify that if the AIT is employed at the nursing home in any capacity other than as an AIT, that the employment hours are in addition to the AIT hours.

Section 39.102, administrator-in-training program, would require the AIT and supervisor have a joint pre-training assessment of the AIT's background regarding education level, experience, maturity, motivation and initiative. The AIT and supervisor would then develop a detailed, goal-oriented training plan which must be submitted to the Board for approval. A minimum of 80% of the training must occur from Monday through Friday between 7 a.m. and 7 p.m. and be no more than 60 hours per week but not less than 20 hours per week. The Board may monitor and call for conference any AIT or supervisor during the course of the program. Upon completion of the AIT program and prior to admission for the examination, the Board will review the AIT report to determine if the training is consistent with the requirements in this section.

An AIT program may be discontinued under Section 39.102. If the discontinuance is based upon full-time military service, the AIT has a year to complete the program after the military service. If discontinuance is for any other reason, the program must be completed within one year from the date of discontinuance.

Section 39.103, administrator-in-training program reports, requires the AIT and supervisor to submit a report to the Board on the AIT's progress on forms provided by the Board.

RECOMMENDATION: It is recommended the House Professional Licensure Committee take no formal action until final regulations are promulgated and submit the following comments:

1. Regarding the statutory authority for the Board to promulgate regulations to create an AIT program, the Committee questions the Board's authority to do so and would like further explanation.
2. Regarding the change to 49 Pa. Code §39.5(b)(3)(ii), the Board places the burden on the candidate to demonstrate that the degree is equivalent to one in nursing home administration. The Committee questions the placement of this burden without more specific guidelines for the student and suggests that the Board provide a minimum criteria.
3. Regarding § 39.102(d)(4), the statement "only one discontinuance will be permitted" appears vague and does not specify to whom it applies and the Committee requests more clarification.

4. Regarding §39.102(d)(3), the Committee would like more information regarding an AIT's remedy for discontinuance by a supervisor or inadequate supervision.
5. Regarding §39.102(b), the Committee would like further information regarding how the board will monitor a supervisor or an AIT.
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House of Representatives
Professional Licensure Committee
May 23, 2007