

CHAPTER 124

PROFESSIONS AND OCCUPATIONS

SENATE BILL 99-142

BY SENATORS Evans, Epps, Reeves, Rupert, and Powers;
also REPRESENTATIVES Mitchell, Alexander, and Decker.

AN ACT

CONCERNING THE REGULATION OF NURSING HOME ADMINISTRATORS, AND, IN CONNECTION THEREWITH,
CONTINUING THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-39-104 (1) and (2), Colorado Revised Statutes, are amended to read:

12-39-104. Board of examiners of nursing home administrators - creation - subject to termination. (1) (a) There is hereby created a board of examiners of nursing home administrators in the division of registrations in the department of regulatory agencies, which board shall be composed of ~~seven~~ EIGHT members as follows:

(I) Three members shall be practicing nursing home administrators duly licensed under this article ~~(which members~~ AND shall be from the following areas of discipline, with no two members from the same area:

- (A) Hospital administration;
- (B) Nonprofit facility administration;
- (C) Proprietary facility administration; or
- (D) Continuum of care administration;

(II) ~~one member shall be a professional in the long-term care industry,~~ TWO MEMBERS SHALL BE PROFESSIONALS FROM THE LONG-TERM CARE INDUSTRY, ONE OF WHOM SHALL BE A LICENSED HEALTH CARE PROFESSIONAL; AND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(III) Three members shall be representative of the public at large.

(b) No more than three of the members of the board shall be officials or full-time employees of state government or local governments. The term of office for each member of the board shall be ~~three~~ FOUR years. No member of the board shall serve more than two consecutive terms. All the members of the board shall be residents of this state.

(2) Appointments to the board shall be made by the governor. The governor may remove any board member for negligence, incompetency, unprofessional conduct, or willful misconduct. Actions constituting neglect of duty shall include but not be limited to ~~the failure to attend three consecutive~~ UNEXCUSED ABSENCES FROM SCHEDULED meetings in any one calendar year. Appointments to fill vacancies shall be made for the remainder of the unexpired term. A member who is a practicing nursing home administrator OR LONG-TERM CARE PROFESSIONAL shall serve for a full term ~~even ONLY~~ if, during such term, such member ~~ceases to be a practicing nursing home administrator~~ IS ACTIVELY EMPLOYED AS A PRACTICING MEMBER OF HIS OR HER PROFESSION WITHOUT A LAPSE OF EMPLOYMENT GREATER THAN ONE HUNDRED TWENTY DAYS.

SECTION 2. Article 39 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-39-104.5. Qualifications of board members. (1) A NURSING HOME ADMINISTRATOR SHALL BE QUALIFIED TO BE APPOINTED TO THE BOARD IF SUCH PERSON:

(a) IS A LEGAL RESIDENT OF COLORADO;

(b) IS CURRENTLY LICENSED AS A NURSING HOME ADMINISTRATOR;

(c) HAS BEEN ACTIVELY ENGAGED AS A LICENSED NURSING HOME ADMINISTRATOR IN THIS STATE FOR AT LEAST FIVE YEARS.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A PERSON CONVICTED OF A FELONY IN COLORADO OR ANY OTHER STATE OR OF VIOLATING THIS ARTICLE OR ANY LAW GOVERNING THE PRACTICE OF NURSING HOME ADMINISTRATORS SHALL NOT BE APPOINTED TO OR SERVE ON THE BOARD.

SECTION 3. Repeal. 12-39-105 (2), Colorado Revised Statutes, is repealed as follows:

12-39-105. Powers and duties of the board. (2) ~~(a) The board shall consider without limitation all of the following in making any determination to initiate disciplinary action whether based on a specific complaint or as an outcome of survey results by the department of public health and environment:~~

~~(I) Any information provided to the board by the nursing home administrator;~~

~~(II) The facts as stated in reports received that occurred during the time a nursing~~

home administrator was serving in the capacity of nursing home administrator in the facility;

~~(III) Whether the nursing home administrator could have or should have prevented the circumstances which resulted in the investigation.~~

~~(b) Prior to making a final determination to initiate action against a nursing home administrator, the board shall notify such administrator that the board is considering action and provide the administrator with an opportunity to show just cause why remedial or disciplinary action should not be initiated.~~

SECTION 4. 12-39-106, Colorado Revised Statutes, is amended to read:

12-39-106. Qualifications for admission to examination. (1) The board shall admit to examination for licensure as a nursing home administrator any applicant who pays a fee as determined by the board, who submits evidence of suitability prescribed by the board, and who is at least twenty-one years old; ~~except that no applicant for a license as a nursing home administrator shall be admitted to such licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing home administrator, unless such applicant submits written evidence, on forms provided by the board, of successful completion of two years of college level study in an accredited institution of higher education in areas relating to health care or hospital administration.~~ OF AGE OR OLDER, AND WHO PROVIDES WRITTEN DOCUMENTATION THAT THE APPLICANT MEETS ONE OF THE FOLLOWING REQUIREMENTS:

(a) THE APPLICANT HAS SUCCESSFULLY COMPLETED THE ADMINISTRATOR-IN-TRAINING PROGRAM PURSUANT TO SECTION 12-39-107; OR

(b) THE APPLICANT HAS SUCCESSFULLY COMPLETED A BACHELOR'S DEGREE IN BUSINESS ADMINISTRATION, PUBLIC HEALTH ADMINISTRATION, HEALTH ADMINISTRATION, OR ANY DEGREE OR DEGREES DEEMED APPROPRIATE BY THE BOARD; OR

(c) THE APPLICANT HAS SUCCESSFULLY COMPLETED AN ASSOCIATE'S DEGREE OR HIGHER DEGREE IN A HEALTH-CARE RELATED FIELD AND HAS A MINIMUM OF TWO YEARS EXPERIENCE IN SUPERVISION OR ADMINISTRATION IN A NURSING HOME OR HOSPITAL. FOR THE PURPOSES OF THIS SECTION, A REGISTERED NURSE WHO IS A GRADUATE OF A THREE-YEAR DIPLOMA PROGRAM SHALL BE CONSIDERED TO HAVE MET THE ASSOCIATE DEGREE REQUIREMENT.

(2) ~~Any person who applies for examination pursuant to subsection (1) of this section shall also be subject to the requirements of section 12-39-107.~~ FAILURE TO PROVIDE A WRITTEN STATEMENT THAT THE APPLICANT MEETS THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION WILL MAKE THE APPLICANT INELIGIBLE FOR ADMITTANCE TO THE LICENSING EXAMINATION, AND THE APPLICANT SHALL NOT BE ENTITLED TO OR BE GRANTED A LICENSE AS A NURSING HOME ADMINISTRATOR.

(3) ~~Any person who applies for examination pursuant to subsection (1) of this section, in lieu of the educational requirements provided for therein, may submit evidence satisfactory to the board that such applicant has obtained two years of~~

~~satisfactory practical experience in nursing home administration or in a comparable health management and administrative area for each year of required college level study if in compliance with federal requirements.~~

SECTION 5. 12-39-107 (1) and (5), Colorado Revised Statutes, are amended to read:

~~**12-39-107. Administrator-in-training.** (1) Every applicant for a nursing home administrator license who has otherwise qualified under the provisions of section 12-39-106 shall be granted admission to the administrator-in-training program in accordance with the rules of the board.~~ AN APPLICANT FOR A NURSING HOME ADMINISTRATOR'S LICENSE WHO MEETS THE BOARD'S CRITERIA FOR EDUCATION AND EXPERIENCE, PURSUANT TO SECTION 12-39-107.5, MAY BE GRANTED ADMISSION INTO THE NURSING HOME ADMINISTRATOR-IN-TRAINING PROGRAM. Upon successful completion of the two-thousand-hour training period, said applicant shall be eligible to take the examination.

(5) ~~This section shall not apply to the following:~~

~~(a) Individuals who have obtained a bachelor's degree in business administration, public health administration, health administration, or any other related degree or degrees deemed appropriate by the board;~~

~~(b) Individuals who have obtained an associate degree in a health care-related field and who have also obtained a minimum of two years experience in supervision or administration in a nursing home or hospital. For purposes of this section, a registered nurse who is a graduate of a three-year diploma program shall be considered to have met the associate degree requirement.~~

SECTION 6. Article 39 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF NEW SECTION to read:

12-39-107.5. Board to promulgate rules. THE BOARD SHALL PROMULGATE RULES DEFINING THE CRITERIA FOR THE EDUCATION AND EXPERIENCE NECESSARY FOR ADMITTANCE TO THE ADMINISTRATOR-IN-TRAINING PROGRAM. THE BOARD SHALL FURNISH COPIES OF THE APPROPRIATE RULES TO MEMBERS OF THE PUBLIC UPON REQUEST. SUCH CRITERIA FOR THE EDUCATION AND EXPERIENCE NECESSARY FOR ADMITTANCE TO THE ADMINISTRATOR-IN-TRAINING PROGRAM SHALL NOT EXCEED SUCCESSFUL COMPLETION OF TWO YEARS OF COLLEGE LEVEL STUDY IN AN ACCREDITED INSTITUTION OF HIGHER EDUCATION IN AREAS RELATING TO HEALTH CARE OR TWO YEARS OF BOARD APPROVED EXPERIENCE IN NURSING HOME ADMINISTRATION OR COMPARABLE HEALTH MANAGEMENT EXPERIENCE FOR EACH YEAR OF REQUIRED EDUCATION.

SECTION 7. 12-39-121 (1), Colorado Revised Statutes, is amended to read:

12-39-121. Repeal of article. (1) This article is repealed, effective July 1, 1999 2009.

SECTION 8. Repeal. 24-34-104 (28) (c) (I), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (28) (c) The following agencies and functions of the specified agencies shall terminate July 1, 1999:

(I) ~~The board of examiners of nursing home administrators, created pursuant to section 12-39-104, C.R.S.;~~

SECTION 9. 24-34-104 (40), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (40) The following agencies, functions, or both, shall terminate on July 1, 2009:

(f) THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS, CREATED PURSUANT TO SECTION 12-39-104, C.R.S.

SECTION 10. Effective date. This act shall take effect July 1, 1999.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 19, 1999