

CHAPTER 121

PROFESSIONS AND OCCUPATIONS

SENATE BILL 12-091

BY SENATOR(S) Tochtrop, Aguilar, Boyd, Grantham, Guzman, Jahn, Lundberg, Mitchell, Newell, White, Williams S.;
also REPRESENTATIVE(S) Bradford, Barker, Kefalas, Kerr A., Kerr J., Schafer S., Summers, Todd, Young.

AN ACT

CONCERNING MODIFICATIONS TO PROVISIONS GOVERNING THE PRACTICE OF NURSING HOME ADMINISTRATION, AND, IN CONNECTION THEREWITH, MODIFYING THE CRITERIA FOR NURSING HOME ADMINISTRATORS TO QUALIFY TO SERVE ON THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS, MODIFYING THE EXPERIENCE REQUIREMENTS FOR PERSONS APPLYING TO TAKE THE NURSING HOME ADMINISTRATOR LICENSURE EXAMINATION OR TO PARTICIPATE IN THE ADMINISTRATOR-IN-TRAINING PROGRAM, AND PERMITTING A NURSING HOME ADMINISTRATOR WHO HAS PASSED A NATIONAL EXAMINATION AND AN EXAMINATION IN ANOTHER STATE TO SIT FOR THE COLORADO LICENSURE EXAMINATION.

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

SECTION 1. In Colorado Revised Statutes, 12-39-104, **amend** (1) (a) introductory portion, (1) (a) (I), and (2) as follows:

12-39-104. Board of examiners of nursing home administrators - creation - subject to termination. (1) (a) ~~There is hereby created a~~ THE board of examiners of nursing home administrators IS HEREBY CREATED in the division of registrations in the department of regulatory agencies. ~~which~~ THE board ~~shall be~~ IS composed of the following members appointed by the governor:

(I) Three members ~~shall be~~ WHO ARE practicing nursing home administrators duly licensed under this article, ~~and~~ AT LEAST ONE OF WHOM 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~~

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

~~(D) Continuum of care administration;~~

(2) (a) THE GOVERNOR SHALL MAKE appointments to the board. ~~shall be made by the governor~~ IN MAKING AN APPOINTMENT TO FILL A VACANCY ON THE BOARD IN THE POSITION OF, OR TO FILL THE REMAINDER OF AN UNEXPIRED TERM FOR, A NURSING HOME ADMINISTRATOR WHO IS FROM NONPROFIT FACILITY ADMINISTRATION, AS REQUIRED BY SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, IF THE GOVERNOR, AFTER A GOOD-FAITH ATTEMPT, IS UNABLE TO FIND A NURSING HOME ADMINISTRATOR CANDIDATE WHO COMES FROM NONPROFIT FACILITY ADMINISTRATION TO FILL THE VACANCY OR COMPLETE THE UNEXPIRED TERM, THE GOVERNOR MAY APPOINT ANY QUALIFIED NURSING HOME ADMINISTRATOR TO COMPLETE THE UNEXPIRED TERM OR FILL THE VACANCY IN THAT BOARD POSITION. IF THE APPOINTMENT IS TO FILL A VACANCY, THE BOARD MEMBER MAY SERVE THE FULL TERM AND IS ELIGIBLE FOR APPOINTMENT FOR A SECOND TERM.

(b) The governor may remove any board member for negligence, incompetency, unprofessional conduct, or willful misconduct. Actions constituting neglect of duty ~~shall~~ include but ARE not ~~be~~ limited to three unexcused absences from scheduled meetings in any one calendar year. ~~Appointments to fill vacancies shall be made~~ THE GOVERNOR SHALL FILL A VACANCY IN THE MEMBERSHIP OF THE BOARD 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 only if, during such term, such member 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. In Colorado Revised Statutes, 12-39-104.5, **amend** (1) as follows:

12-39-104.5. Qualifications of board members. (1) A nursing home administrator ~~shall be~~ IS qualified to be appointed to the board if ~~such~~ THE person:

- (a) Is a legal resident of Colorado;
- (b) Is currently licensed as a nursing home administrator; AND
- (c) Has been actively engaged as a licensed nursing home administrator for at least ~~five~~ THREE years.

SECTION 3. In Colorado Revised Statutes, 12-39-106, **amend** (1) as follows:

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, who is twenty-one years 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 OR HIGHER

DEGREE in public health administration OR health administration, A MASTER'S DEGREE IN MANAGEMENT OR BUSINESS ADMINISTRATION, or any degree or degrees deemed appropriate by the board; or

(c) (I) The applicant has successfully completed an associate's degree or higher degree in a health care-related field OR A BACHELOR'S DEGREE IN BUSINESS OR PUBLIC ADMINISTRATION and has a minimum of ~~two years~~ ONE YEAR OF experience in 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~~ MEETS the associate degree requirement.

(II) FOR PURPOSES OF THE EXPERIENCE REQUIRED BY THIS PARAGRAPH (c), AN APPLICANT MUST HAVE DAY-TO-DAY, ON-SITE RESPONSIBILITY FOR SUPERVISING, DIRECTING, MANAGING, MONITORING, OR EXERCISING REASONABLE CONTROL OVER SUBORDINATES FOR ONE YEAR.

SECTION 4. In Colorado Revised Statutes, 12-39-107, **amend** (1) as follows:

12-39-107. Administrator-in-training. (1) THE BOARD MAY GRANT ADMISSION INTO THE NURSING HOME ADMINISTRATOR-IN-TRAINING PROGRAM TO 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~~ ONE-THOUSAND-HOUR training period, ~~said~~ THE applicant ~~shall be~~ IS eligible to take the examination.

SECTION 5. In Colorado Revised Statutes, 12-39-110, **amend** (1) as follows:

12-39-110. Endorsement. (1) (a) The board shall issue a license to any person duly licensed to practice nursing home administration in another state or territory of the United States ~~who possesses credentials and qualifications which are substantially equivalent to the requirements of section 12-39-106 and~~ who:

(I) PROVIDES WRITTEN DOCUMENTATION VERIFYING THAT THE APPLICANT HAS PASSED A NATIONAL EXAMINATION ADMINISTERED BY A NATIONALLY RECOGNIZED TESTING ENTITY FOR NURSING HOME ADMINISTRATORS AND HAS PASSED AN EXAMINATION IN ANOTHER STATE; AND

(II) Successfully completes the Colorado state examination provided in section 12-39-109.

(b) For purposes of this section, "state or territory" includes the District of Columbia and the commonwealth of Puerto Rico.

SECTION 6. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 7. Act subject to petition - effective date. This act takes effect September 1, 2012; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part

of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 16, 2012