

**BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS (“BENHA”)
RULES COMMITTEE
MARCH 30, 2015 MINUTES**

MEETING BEGAN AT 10:00 AM

Members in attendance: Jennifer Pfeffer, Josh Berg, Jane Pederson, Nathan Johnson, Robert Held, Randy Snyder, Jessica Schultz, Tiernee Murphy

The committee completed a rule-by-rule analysis, following the order set forth in the Rules Committee Agenda-Current Outstanding Issues spreadsheet.

I. Potential proposed amendments.

The Committee discussed the following rules and will likely be proposing amendments to them:

- Minn. R. 6400.5100, supb. 9 Domains of practice. The committee proposes to update the definition of “domains of practice” to reflect the more current version of the report and to show that the report is available on BENHA’s website.
- Minn. R. 6400.6100, subp 1, 4 Application contents; Examination score expiration. The committee proposes to update the application contents subpart to require an applicant to submit a passport-type photograph with the application. The committee also proposes to update the “examination score expiration” to limit the timeframe and the number of attempts an applicant has to pass the NAB examination.
- Minn. R. 6400.6500 Specific course requirements. The committee proposes to update the domains of practice and course requirements to reflect the analysis and conclusions set forth by the education committee. The education committee undertook an in-depth analysis of current national education standards and recommends amending BENHA’s rules to better reflect national education standards.
- Minn. R. 6400.6650 Practicum duration. The committee proposes to update the practicum duration requirements to reflect the analysis and conclusions set forth by the education committee. The education committee analyzed and reviewed current practices across other states and in nursing homes in Minnesota. The committee recommended increasing the number of hours for all categories set forth in items A through F of subpart 1 to better reflect the national standards. The committee is also proposing to have assisted living facility directors added to the list because 81 percent of the skill set is the same between assisted living directors and nursing home administrators.
- Minn. Rule 6400.6660, subp. 4 Annual update. The committee discussed whether it makes sense to continue to require the academic update from institutions that are accredited. The committee discussed that this rule is capturing the information that would be helpful

to BENHA, specifically whether the program is successful with educating individuals who show an interest and intent to pursue licensure. The committee is researching alternative methods of data collection. The committee also discussed requiring more frequent review of initially approved programs. The committee will propose to remove subpart 6 because it is now obsolete.

- Minn. Rule 6400.6710 Licensee responsibility. The committee proposes to reduce the 10-day notification deadline in subparts B, C, and D to be 5 days to be consistent with Minnesota Department of Health requirements.
- Minn. Rules 6400.6720 Displaying licenses; 6400.6730 Duplicate licenses. The committee proposes to change the language to require the displayed and duplicate licenses to be “board issued license, not a photocopy.”
- Minn. Rule 6400.6740 Renewing licenses. The committee proposes to change the language to provide an exemption from continuing education and annual fee requirements for licensees in active military duty.
- Minn. Rule 6400.6770 Acting administrator permits. The committee proposes to change the language to allow for a second, six-month acting permit in rare situations with no permit to exceed one year.
- Minn. Rule 6400.6850 Number of CE credits for activities. The committee proposes to amend the language of subsection A to include webinars; subsection E to require that the academic courses be “applicable to the domains of practice;” and subsection I to include a statement that the verification must also include learning objectives.
- Minn. Rule 6400.6900 Disciplinary action. The committee proposes to change the title of this rule to “grounds for discipline” to more accurately reflect the content of the rule.

The proposed amendments and their underlying rationales will be set forth in more detail in the Statement of Need and Reasonableness that the committee will prepare as part of the rulemaking process.

II. Proposed amendments considered but rejected.

The committee discussed the following rules and related office procedures but proposed no amendments because either (1) the committee determined there was not a need for change or (2) the committee did not reach a consensus on possible changes.

- Minn. Rule 6400.5100 – Minn. Stat. § 144A.04, subd. 5, requires nursing home administrators to “maintain a sufficient on-site presence in the facility to effectively manage the facility in compliance with the applicable rules and regulations.” The committee discussed whether the Board should propose a rule that defines the term “sufficient.” If the Board were to define the term, the goal would be to have the definition

be specific, measurable, achievable, results-focused, and time bound. The current issue is that the term “sufficient” meets none of the above criteria. The committee discussed possible ways to define this, but no consensus was reached on a proposed rule amendment.

- Minn. Rule 6400.5100 – The committee considered adding a definition of the term “shared administrator.” There are currently no administrators who have 3 or more facilities, but there are 28-30 administrators that share a facility. The committee discussed (1) whether there exists a policy problem about shared administrators; (2) if yes, what is the problem; and (3) whether a definition could help solve the problem. The committee did not reach a consensus on whether to include this definition at this time.
- Minn. Rule 6400.5100 – The committee considered adding a definition of the term “administrator of record.” It is not a term commonly used in Minnesota statutes or rules. The committee discussed whether to include a reference to the CMS definition but no consensus was reached on this.
- Minn. Rule 6400.6560 Waiver of all course requirements. Office procedure is to require additional validation, including verification from the facility’s human resource office or board chair of the facility’s budget, employees, dates of service, position description and organizational chart. The committee discussed removing the position description and organizational chart requirements but decided to keep the process as is.
- Minn. Rule 6400.6600 Practicum Course. The committee discussed that there are organizations that have strong practicum programs but do not offer academic credit and, therefore, are outside the scope of the rule. The committee discussed the benefits of requiring the academic credit at an accredited university. The committee felt that, if this requirement was removed, then BENHA itself would have to provide the oversight and ensure the standards that an accreditation and academic credit system ensures. The committee felt this to be too burdensome an undertaking for BENHA, so the committee decided not to recommend this proposed rule change.

MEETING ADJOURNED AT 2:00 PM.