

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 42

Introduced by Cook, 13.
Read first time January 10, 2013
Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nursing Home Administrator Practice Act;
2 to amend sections 38-2401, 38-2418, 38-2419, and 38-2420,
3 Reissue Revised Statutes of Nebraska; to provide and
4 eliminate requirements for a credential as an
5 administrator of a facility for persons with head
6 injuries and associated disorders; to provide
7 requirements for such facilities; to harmonize
8 provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2401, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-2401 Sections 38-2401 to 38-2425 and section 5 of this
4 act shall be known and may be cited as the Nursing Home Administrator
5 Practice Act.

6 Sec. 2. Section 38-2418, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 38-2418 Each nursing home within the state shall be
9 operated under the supervision of an administrator duly licensed in
10 the manner provided in the Nursing Home Administrator Practice Act.
11 Each facility within the state which will be operated primarily for
12 caring for persons with head injuries and associated disorders shall
13 be operated under the supervision of an administrator duly licensed
14 in the manner provided in the Nursing Home Administrator Practice
15 Act. If there is a vacancy in the position of licensed administrator
16 of a nursing home, the owner, governing body, or other appropriate
17 authority of the nursing home may select a person to apply for a
18 provisional license in nursing home administration to serve as the
19 administrator of such facility.

20 Sec. 3. Section 38-2419, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 38-2419 (1) The department shall issue a license to an
23 applicant who submits (a) satisfactory evidence of completion of (i)
24 an associate degree which includes the core educational requirements
25 and an administrator-in-training program under a certified preceptor,

1 (ii) a degree or an advanced degree and a mentoring program under a
2 certified preceptor, (iii) a nursing degree, previous work experience
3 in health care administration, and a mentoring program under a
4 certified preceptor, (iv) a degree or an advanced degree in health
5 care and previous work experience in health care administration, or
6 (v) an associate degree which includes the core educational
7 requirements, previous work experience, and a mentoring program under
8 a certified preceptor, and (b) evidence of successful passage of the
9 National Association of Boards of Examiners for Nursing Home
10 Administration written examination.

11 (2) The department shall license administrators in
12 accordance with the Nursing Home Administrator Practice Act and
13 standards, rules, and regulations adopted and promulgated by the
14 department, with the recommendation of the board. The license shall
15 not be transferable or assignable.

16 (3) Each administrator shall be responsible for and
17 oversee the operation of only one licensed facility or one integrated
18 system, except that an administrator may make application to the
19 department for approval to be responsible for and oversee the
20 operations of a maximum of three licensed facilities if such
21 facilities are located within two hours' travel time of each other or
22 to act in the dual role of administrator and department head but not
23 in the dual role of administrator and director of nursing. In
24 reviewing the application, the department may consider the proximity
25 of the facilities and the number of licensed beds in each facility.

1 An administrator responsible for and overseeing the operations of any
2 integrated system is subject to disciplinary action against his or
3 her license for any regulatory violations within each system.

4 ~~(4)(a) Notwithstanding the provisions of the Nursing Home~~
5 ~~Administrator Practice Act, the department shall issue a license as a~~
6 ~~nursing home administrator to an applicant who will function as the~~
7 ~~administrator of a facility caring primarily for persons with head~~
8 ~~injuries and associated disorders who submits satisfactory evidence~~
9 ~~that he or she (i) has at least two years of experience working with~~
10 ~~persons with head injuries or severe physical disabilities, at least~~
11 ~~one of which was spent in an administrative capacity, (ii) is (A) a~~
12 ~~psychologist with at least a master's degree in psychology from an~~
13 ~~accredited college or university and has specialized training or one~~
14 ~~year of experience working with persons with traumatic head injury or~~
15 ~~severe physical disability, (B) a physician licensed under the~~
16 ~~Uniform Credentialing Act to practice medicine and surgery or~~
17 ~~psychiatry and has specialized training or one year of experience~~
18 ~~working with persons with traumatic head injury or severe physical~~
19 ~~disability, (C) an educator with at least a master's degree in~~
20 ~~education from an accredited college or university and has~~
21 ~~specialized training or one year of experience working with persons~~
22 ~~with traumatic head injury or severe physical disability, or (D) a~~
23 ~~certified social worker, a certified master social worker, or a~~
24 ~~licensed mental health practitioner certified or licensed under the~~
25 ~~Uniform Credentialing Act and has at least three years of social work~~

1 ~~or mental health practice experience and specialized training or one~~
2 ~~or more years of experience working with persons who have experienced~~
3 ~~traumatic head injury or are severely physically disabled, and (iii)~~
4 ~~is of good moral character. The applicant shall also provide his or~~
5 ~~her social security number.~~

6 ~~(b) A license issued pursuant to this subsection shall be~~
7 ~~issued without examination and without the requirement of completion~~
8 ~~of an administrator in training or mentoring program. Such license~~
9 ~~may be renewed without the completion of any continuing competency~~
10 ~~requirements.~~

11 Sec. 4. Section 38-2420, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 38-2420 (1) Except as provided in subdivision (1)(a)(iv)
14 ~~and subsection (4) of section 38-2419 and section 5 of this act~~, in
15 order for a person to become licensed as a nursing home
16 administrator, he or she shall complete an administrator-in-training
17 program or a mentoring program. The administrator-in-training program
18 shall occur in a nursing home under the direct supervision of a
19 certified preceptor, and it may be gained as an internship which is
20 part of an approved associate degree. A mentoring program shall occur
21 in a nursing home under the supervision of a certified preceptor. The
22 certified preceptor in a mentoring program need not be at such
23 facility during the period of such supervision but shall be available
24 to assist with questions or problems as needed. A mentoring program
25 may be gained as an internship which is part of a degree or advanced

1 degree. A person in a mentoring program may apply for a provisional
2 license as provided in section 38-2423.

3 (2) An applicant may begin his or her administrator-in-
4 training or mentoring program upon application to the department with
5 the required fee, evidence that he or she has completed at least
6 fifty percent of the core educational requirements, and evidence of
7 an agreement between the certified preceptor and the applicant for at
8 least six hundred forty hours of training and experience, to be
9 gained in not less than four months. Such training shall occur in a
10 Nebraska-licensed nursing home under a certified preceptor.

11 (3) The certified preceptor shall submit a report to the
12 department by the fifth day of each month for the duration of the
13 administrator-in-training or mentoring program, describing the nature
14 and extent of training completed to date. At the conclusion of the
15 program, the certified preceptor shall report to the department
16 whether the applicant has successfully completed the board's approved
17 course for such program. With the concurrence of the certified
18 preceptor, the applicant may remain in such program until
19 successfully completed or may reapply to enter another administrator-
20 in-training or mentoring program.

21 (4)(a) The administrator-in-training or mentoring program
22 shall occur under the supervision of a certified preceptor. An
23 applicant to become a certified preceptor shall (i) be currently
24 licensed as a nursing home administrator in the State of Nebraska,
25 (ii) have three years of experience as a nursing home administrator

1 in the five years immediately preceding certification, and (iii)
2 complete a preceptor training course approved by the board.

3 (b) All preceptor certificates shall expire on December
4 31 of every fourth year beginning December 31, 2000. Before acting on
5 an application for renewal, the board shall review the performance of
6 the applicant. Such review may include consideration of survey and
7 complaint information, student evaluations, and any other related
8 information deemed relevant by the board. The board may deny an
9 application for renewal upon a finding that the applicant's
10 performance has been unsatisfactory based on such review.

11 Sec. 5. (1) In order to qualify to function as the
12 administrator of a facility which will be operated primarily for
13 caring for persons with head injuries and associated disorders, an
14 individual shall be licensed as a nursing home administrator if he or
15 she meets the requirements of this section.

16 (2) To receive a credential to practice nursing home
17 administration for a facility caring primarily for persons with head
18 injuries and associated disorders, an individual shall:

19 (a) Have at least four years of experience working with
20 persons with head injuries or severe physical disabilities, at least
21 two of which were spent in an administrative capacity; and

22 (b) Either:

23 (i) Hold a credential as:

24 (A) A psychologist pursuant to the Uniform Credentialing
25 Act, with at least a master's degree in psychology from an accredited

1 college or university;

2 (B) A physician licensed pursuant to the Uniform
3 Credentialing Act to practice medicine and surgery or psychiatry;

4 (C) An educator with at least a master's degree in
5 education from an accredited college or university;

6 (D) A certified social worker, a certified master social
7 worker, or a licensed mental health practitioner pursuant to the
8 Uniform Credentialing Act; or

9 (E) A physical therapist, an occupational therapist, or a
10 speech-language pathologist pursuant to the Uniform Credentialing
11 Act; or

12 (ii) Have at least eight years of experience working with
13 persons with head injuries or severe physical disabilities, at least
14 five of which were spent in an administrative capacity in a facility
15 operated primarily for caring for persons with head injuries or
16 severe physical disabilities.

17 (3) A license issued pursuant to this section shall be
18 issued without examination and without the requirement of completion
19 of an administrator-in-training or mentoring program. Such license
20 may be renewed without the completion of any continuing competency
21 requirements.

22 Sec. 6. Original sections 38-2401, 38-2418, 38-2419, and
23 38-2420, Reissue Revised Statutes of Nebraska, are repealed.