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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 106

TITLE 172
CHAPTER 106

PROFESSIONAL AND OCCUPATIONAL LICENSURE
NURSING HOME ADMINISTRATORS

TABLE OF CONTENTS

<u>SECTION</u>	<u>SUBJECT</u>	<u>PAGE</u>
106-001	Scope and Authority	1
106-002	Definitions	1
106-003	Nursing Home Administrator <ul style="list-style-type: none">• Qualifications• Application	9
106-004	Reciprocity – Nursing Home Administrator	16
106-005	Administrator for a Facility Caring for Persons with Head Injuries and Associated Disorders	20
106-006	Administrator Responsible/Overseeing more than 1 Facility or the Dual Role of Administrator and Department Head	26
106-007	Administrator-in-Training Program (AIT) and Mentoring Program	30
106-008	Administrator-in-Training or Mentoring Program Reporting Requirements	35
106-009	Provisional Licensure as a Nursing Home Administrator	41
106-010	Certified Preceptor	46
106-011	Initial and/or Renewal Preceptor Training Course	51
106-012	Examination Eligibility and Procedures	52
106-013	Continuing Competency Requirements (CE)	52
106-014	Renewal <ul style="list-style-type: none">• Notice and Procedures• Waivers• Audit• Expiration• Inactive	57
106-015	Disciplinary Actions <ul style="list-style-type: none">• Grounds for Actions• Unprofessional Conduct• Temporary Suspension• Department Action and Sanctions	62
106-016	Voluntary Surrender or Limitation	67
106-017	Reinstatement	69
106-018	Administrative Penalty	75
106-019	Fees (moved to 172 NAC 2)	76

Applications: (available upon request or on-line at: <http://www.dhhs.ne.gov/crl/mhcs/nha/nha.htm>)

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NEBRASKA DEPARTMENT OF
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172 NAC 106

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 106 NURSING HOME ADMINISTRATORS

106-001 SCOPE AND AUTHORITY: These regulations govern the credentialing of Nursing Home Administrators as defined by Neb. Rev. Stat. §§ 38-2401 to 38-2425 and the Uniform Credentialing Act.

106-002 DEFINITIONS:

1. Accredited Institution means a postsecondary educational institution approved by the Board and approved by the Council for Higher Education Accreditation (CHEA), or its successor.
2. Act means Neb. Rev. Stat. §§38-2401 to 38-2425, known as the Nursing Home Administrator Practice Act.
3. Active Addiction means current physical or psychological dependence on alcohol or a substance, which develops following the use of alcohol or a substance on a periodic or continuing basis.
4. Active License means a license issued by the Board to an administrator who meets the continuing competency requirements of 172 NAC 106-013 and who submits the fee required by 172 NAC 2.
5. Administrator or Nursing Home Administrator (NHA) means any individual who meets the education and training requirements specified in these regulations and is responsible for planning, organizing, directing, and controlling the operation of a home for the aged or infirm, a nursing home, or an integrated system or who in fact performs such functions, whether or not such functions are shared by one or more other persons. Notwithstanding this subdivision or any other provision of law, the administrator of an intermediate care facility for the mentally retarded may be either a licensed nursing home administrator or a qualified mental retardation professional.

Each administrator must be responsible for and oversee the operation of only one licensed facility or one integrated system, except that an administrator may make application to the Department for approval to be responsible for and oversee the operations of a maximum of 3 licensed facilities if such facilities are located within 2 hours' travel time of each other or to act in the dual role of administrator and department head but not in the dual role of administrator and director of nursing. An administrator responsible for and overseeing the operations of any integrated system is subject to disciplinary action against his/her license for any regulatory violations within each system.

6. Administrator-in-Training (AIT) means a person who is undergoing training to become a nursing home administrator and is directly supervised in a home for the aged or infirm or nursing home by a certified preceptor.
7. Administrator-in-Training Program means completion of at least 640 hours of training and experience, which must be completed in not less than 4 calendar months, and must be at least 20 hours per week. The training and experience must occur in a Nebraska licensed home for the aged or infirm or nursing home, under the direct supervision of a Nebraska certified preceptor.
8. Alcohol or Substance Abuse means a maladaptive pattern of alcohol or substance use leading to clinically significant impairment or distress as manifested by one or more of the following occurring at any time during the same 12-month period:
 - a. Recurrent alcohol or substance use resulting in a failure to fulfill major role obligations at work, school, or home;
 - b. Recurrent alcohol or substance use in situations in which it is physically hazardous;
 - c. Recurrent legal problems related to alcohol or substance use; or
 - d. Continued alcohol or substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the alcohol or substance use.
9. Associate Degree means a two-year post-secondary degree which is composed of 60 to 64 semester hours of academic credit, awarded by an accredited institution of post-secondary education.
10. Attest or Attestation means that the individual declares that all statements on the application are true and complete. Attestation to meeting continuing competency requirements satisfies the documentation requirement of Neb. Rev. Stat. § 38-142.
11. Board means the Board of Nursing Home Administration.
12. Certified Preceptor means a person who is currently licensed by the State of Nebraska as a Nursing Home Administrator, has three years of experience as a Nursing Home Administrator, has practiced within the last two years in a home for the aged or infirm or nursing home, and is approved by the Board to supervise an administrator-in-training or a person in a mentoring program.
13. Complete Application means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.
14. Confidential Information means information protected as privileged under applicable law.

15. Continuing Competency means activities to ensure:

- a. The maintenance by a credentialed person of knowledge and skills necessary to competently practice as a nursing home administrator,
- b. The utilization of new techniques based on scientific and clinical advances, and
- c. The promotion of research to assure expansive and comprehensive services to the public. It is the competency required as a condition of licensure renewal, pursuant to Neb. Rev. Stat. § 38-145.

Continuing education is the method of continuing competency and may be offered under such names as "educational courses", "clinic", "forum", "lecture", "workshops", "training programs" or "seminars".

Continuing Education Hour or Credit means:

- a. Academic Credit: A maximum of 25 hours of continuing education credit per a biennial renewal period may be obtained through academic credit; continuing education obtained through academic credit is calculated as follows:
 - (1) 1 semester hour of academic credit equals 5 continuing education credit hours; and
 - (2) 1 quarter hour of academic credit equals 3 continuing education credit hours;
- b. Home Study, including those transmitted through electronic means: A maximum of 25 hours of continuing education credit per a biennial renewal period may be obtained through home study programs.
- c. Continuing Education Programs: 60 minutes of participation equals 1 continuing education hour/credit.

16. Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere or non vult contendere made to a formal criminal charge, or a judicial finding of guilt irrespective of the pronouncement of judgment or the suspension thereof, and includes instances in which the imposition or the execution of sentence is suspended following a judicial finding of guilt and the defendant is placed on probation.

17. Core Educational Requirements means coursework hours necessary for licensure as a nursing home administrator. Graduates from a NAB accredited program meet these core educational requirements. Hours are calculated as follows and must include the following coursework:

- | | | | |
|----|-----------------------|-------------------------------|---------------------|
| a. | Semester hours: | 1 semester hour | = 1 coursework hour |
| b. | Quarter hours: | 1.5 quarter hour | = 1 coursework hour |
| c. | Continuing Education: | 10 continuing education hours | = 1 coursework hour |

Coursework: Must complete a minimum of 3 coursework hours in each of the following areas:

Patient Care and Services. The following are examples of acceptable coursework:

- a. Aging;
- b. Ancillary Health Services;
- c. Developmental Disabilities;
- d. Disease Process;
- e. End of Life Care;
- f. Environmental Health and Safety;
- g. Food Management;
- h. Geriatrics / Gerontology;
- i. Health Care Delivery Systems;
- j. Medical Terminology;
- k. Nursing;
- l. Nutrition;
- m. Pharmacology;
- n. Therapeutic Recreation; or
- o. Similar coursework to those listed above.

Social Services. The following are examples of acceptable coursework:

- a. Case Management;
- b. Death and Dying;
- c. Developments in Aging;
- d. Mental Health;
- e. Psychology (psychological aspects of aging);
- f. Social Gerontology (i.e., theories of aging / social aspects of aging / multi-cultural issues);
- g. Social Services (Medicaid/Medicare);
- h. Social Work;
- i. Sociology;

- j. Spirituality - Human Development / Lifespan;
- k. Therapeutic Recreation; or
- l. Similar coursework to those listed above.

Financial Management. The following are examples of acceptable coursework:

- a. Accounting (payroll, AR, Taxes, HP, general ledger);
- b. Business Management;
- c. Financial Planning;
- d. Management;
- e. Medicare / Medicaid;
- f. Office Management – Statistics; or
- g. Similar course work to those listed above.

Administration. The following are examples of acceptable coursework:

- a. Communication Skills;
- b. Law Courses (i.e., Public Administration, Business Law);
- c. Leadership Skills;
- d. Legal Aspects of Aging;
- e. Marketing / Public Relations;
- f. Management / Organizational Theory;
- g. Organizational Analysis;
- h. Organizational Development;
- i. Personnel / Human Resources / Labor Relations;
- j. Purchasing / Inventory Control;
- k. Strategic / Financial Planning;
- l. TQM / CQI; or
- m. Similar coursework to those listed above.

Rules, Regulations, and Standards Relating to the Operation of a Health Care Facility.

The following are examples of acceptable coursework:

- a. ADA – FMLA;
- b. ANSI Standards;
- c. Ethics;
- d. Labor Laws;
- e. Law;
- f. Life/Safety Code;
- g. Medicare / Medicaid Issues;
- h. NFPA – FSES;

- i. Nursing Home Administrator Regulations;
 - j. Nursing Facility Standards;
 - k. OSHA;
 - l. OBRA; or
 - m. Similar coursework to those listed above.
18. Credential means a license or certificate.
19. Degree means an academic title conferred by universities and colleges as an indication of the completion of a course of study from an accredited institution, or approved as equivalent to a U.S. degree by a foreign educational credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) and any other documentation the Board deems necessary.
20. Degree or Advanced Degree means a baccalaureate, master's or doctorate degree from an accredited institution and which includes studies in the core educational requirements.
21. Degree or Advanced Degree in Health Care means a baccalaureate, master's or doctorate degree from an accredited institution in health care, health care administration or services.
22. Department means the Division of Public Health of the Department of Health and Human Services.
23. Dependence means a maladaptive pattern of alcohol or substance use, leading to clinically significant impairment or distress, as manifested by three or more of the following occurring at any time in the same 12-month period:
- a. Tolerance as defined by either of the following:
 - (1) A need for markedly increased amounts of alcohol or the substance to achieve intoxication or desired effect; or
 - (2) A markedly diminished effect with continued use of the same amount of alcohol or the substance;
 - b. Withdrawal as manifested by either of the following:
 - (1) The characteristic withdrawal syndrome for alcohol or the substance as referred to in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, published by the American Psychiatric Association; or
 - (2) Alcohol or the same substance or a closely related substance is taken to relieve or avoid withdrawal symptoms;
 - c. Alcohol or the substance is often taken in larger amounts or over a longer period than was intended;
 - d. A persistent desire or unsuccessful efforts to cut down or control alcohol or substance use;
 - e. A great deal of time is spent in activities necessary to obtain alcohol or the substance, to use alcohol or the substance; or to recover from the effects of use of alcohol or the substance;

- f. Important social, occupational, or recreational activities are given up or reduced because of alcohol or substance use; or
 - g. Alcohol or substance use continues despite knowledge of having had a persistent or recurrent physical or psychological problem that was likely to have been caused or exacerbated by alcohol or the substance.
24. Director means the Director of Public Health of the Division of Public Health or his/her designee.
25. Division means the Division of Public Health.
26. Home for the Aged or Infirm or Nursing Home means any institution or facility licensed as a nursing facility or a skilled nursing facility by the Department pursuant to the Health Care Facility Licensure Act, whether proprietary or nonprofit, including, but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof.
27. Inactive License means a credential which the credential holder has voluntarily placed on inactive status and by which action has terminated the right to practice or represent himself/herself as having an active credential.
28. Integrated System means a health and human services organization offering different levels of licensed care or treatment on the same premises.
29. Internship means that aspect of the educational program of an associate degree in long-term care administration which meets the requirements specified in the definition of Administrator-in-Training Program or Mentoring Program in 172 NAC 106-002 and allows for practical experience in a home for the aged or infirm, or nursing home and occurs under the supervision of a certified preceptor.
30. License means an authorization issued by the Department to an individual to engage in a profession to provide services which would otherwise be unlawful in this state in the absence of such authorization.
31. Mentoring Program means completion of at least 640 hours of training and experience, which must be completed in not less than 4 calendar months, and must be at least 20 hours per week. The program must occur in a Nebraska licensed home for the aged or infirm or nursing home, under the supervision of a Nebraska certified preceptor. The certified preceptor in a mentoring program need not be at such facility during the period of such supervision but must be available to assist with questions or problems as needed. The supervisor must meet with the person being supervised in a mentoring program at least 1 time per month at the facility where the training is occurring. A mentoring program may be gained as an internship which is part of a degree or advanced degree or part of a degree or advanced degree in health care. A person in a mentoring program may apply for a provisional license.
32. Mentoring Program Trainee means a person in a learner role who is actively involved in a program of supervised professional training and is supervised by a Nebraska certified

preceptor aimed at developing and refining confidence and proficiency in the field of Nursing Home Administration.

33. Military Service means full-time duty in the active military service of the United States, or a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a service member is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)
34. NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 106.
35. Nursing Degree means a degree or diploma in nursing from an accredited program of professional nursing approved by the Board of Nursing.
36. Nursing Home means any institution or facility licensed as a nursing facility or skilled nursing facility by the Department pursuant to the Health Care Facility Licensure Act, whether proprietary or nonprofit, including, but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof.
37. Official Transcript means issued by and under the original seal of the educational institution.
38. Pattern of Incompetent or Negligent Conduct means a continued course of incompetent or negligent conduct in performing the duties of the profession.
39. Preceptor Training Course means a training course as approved by the Board which must include, but is not limited to, review of required paperwork for the Administrator-In-Training and training/teaching techniques.
40. Previous Work Experience means at least 2 years working full time in a nursing home or home for the aged or infirm or previous work experience in health care administration.
41. Previous Work Experience in Health Care Administration means at least 2 years working full time as:
 - a. An administrator or director of nursing of a hospital with a long-term care unit or assisted living facility; or
 - b. Director of nursing in a nursing home or home for the aged or infirm.
42. Provider means an association, educational institution, individual, group, or individual licensee who presents continuing education programs to licensees.
43. Served in the Regular Armed Forces has the same meaning as "military service" in these regulations.

44. Written Examination means the National Association of Long Term Care Administrator Boards (NAB) licensing examination, which may be administered by computer.

106-003 NURSING HOME ADMINISTRATOR: Any individual who is responsible for planning, organizing, directing and controlling the operation of a home for the aged or infirm, or nursing home must be licensed as a Nursing Home Administrator.

Each administrator must be responsible for and oversee the operation of only one licensed facility or one integrated system, except that an administrator may make application to the Department pursuant to 172 NAC 106-006 for approval to be responsible for and oversee the operations of a maximum of 3 licensed facilities if such facilities are located within 2 hours' travel time of each other or to act in the dual role of administrator and department head but not in the dual role of administrator and director of nursing.

106-003.01 Qualifications: To receive a credential to practice nursing home administration, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to employment in the United States;
3. Education, Experience and Training: Have one of the following Degree's and, if applicable, core educational areas, experience, and/or training programs:
 - a. Associate Degree: If the applicant has an associate degree, the degree must include the following core educational requirements (see core educational areas defined in 172 NAC 106-002, section 17), and the applicant must complete a mentoring program or administrator-in-training program:
 - (1) Core Educational Areas: Graduates from a National Association of Long Term Care Administrator Boards (NAB) for Nursing Home Administrators accredited program or meets the following core educational requirements as defined in 172 NAC 106-002, section 17.
 - (a) Patient care and services;
 - (b) Social services;
 - (c) Financial management;
 - (d) Administration; and
 - (e) Rules, regulations, and standards relating to the operation of a health care facility; and

- (2) Mentoring Program: If the applicant has at least 2 years working full time in a nursing home for the aged or infirm or previous work experience in health care administration, s/he must complete a mentoring program; or
- (3) Administrator-in-Training Program: Applicants who do not meet the mentoring program experience requirements will be required to complete the administrator-in-training program.
- b. Degree or Advanced Degree: If the applicant has a baccalaureate, master's, or doctorate degree from an accredited institution, the degree must include the following core educational requirements (core educational areas are defined in 172 NAC 106-002, section 17) and the applicant must complete a mentoring program:
- (1) Core Educational Areas: Graduates from a NAB accredited program or meets these core educational requirements.
- (a) Patient care and services;
 - (b) Social services;
 - (c) Financial management;
 - (d) Administration; and
 - (e) Rules, regulations and standards relating to the operation of a health care facility.
- c. Degree or Advanced Degree in Health Care: If the applicant has a baccalaureate, master's, or doctorate degree from an accredited institution in health care, health care administration or services, and has previous work experience in health care administration (as defined in 172 NAC 106-002, section 40), s/he is not required to complete either the mentoring program or administrator-in-training program.
- If the applicant with a degree or advanced degree in health care administration does not have "previous work experience in health care administration", s/he must complete a mentoring program.
- d. Nursing Degree: If the applicant has a degree or diploma in nursing from an accredited program of professional nursing approved by the Board of Nursing, and previous work experience in health care administration (as defined in 172 NAC 106-002, section 40), s/he is required to complete the mentoring program.
- If the applicant with a nursing degree does not have "previous work experience in health care administration", the degree must include the following core educational requirements (core educational areas

are defined in 172 NAC 106-002, section 17) and the applicant must complete a mentoring program:

- (1) Core Educational Areas - Graduates from a NAB accredited program or meets these core educational requirements.
 - (a) Patient care and services;
 - (b) Social services;
 - (c) Financial management;
 - (d) Administration; and
 - (e) Rules, regulations and standards relating to the operation of a health care facility.

4. Examination: The applicant must have received a score at or above the national pass score as determined by the National Association of Long Term Care Administrator Boards (NAB) for Nursing Home Administrators.

106-003.02 Application: To apply for a credential to practice as a nursing home administrator the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:

- a. Personal Information:

- (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
- (2) Date of birth (month, day, and year);
- (3) Place of birth (city and state or country if not born in the United States);
- (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
- (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
- (6) The applicant's telephone number including area code (optional);
- (7) The applicant's e-mail address (optional);
- (8) The applicant's fax number (optional); and
- (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for

- permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
- (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- b. Practice Before Application: The applicant must state:
- (1) That s/he has not practiced nursing home administration in Nebraska before submitting the application; or
 - (2) If s/he has practiced nursing home administration in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice;
- c. Attestation: The applicant must attest that:
- (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character;
2. Documentation: The applicant must submit the following documentation with the application:
- a. Evidence of age, such as:
- (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;
- b. Evidence of good character, including:
- (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;

The applicant must have the licensing agency submit to the Department a certification of his/her credential;
 - (2) Disciplinary Action: A list of any disciplinary actions taken

against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;

- (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial; and
 - (4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (f) Any other information as requested by the Board/Department;
- c. Evidence that the applicant is:
- (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
- (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship (N-560 or N-561);

- (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
 - (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (13) A document showing an Alien Registration Number ("A#"); or
 - (14) A Form I-94 (Arrival-Departure Record);
- e. Documentation of education, including:
- (1) Name and date of diploma/degree awarded;
 - (2) Name of school, college, university that awarded the diploma/degree; and
 - (3) An official transcript showing receipt of the degree obtained by the applicant;
- f. Core Education: Evidence of completion of the specified core educational areas, if applicable. Evidence must include:
- (1) Name of the course and course number or continuing education provider;
 - (2) Number of hours completed; and
 - (3) Course syllabus or continuing education course description; or
 - (4) Similar documentation;
- g. Previous Work Experience: Verification of previous work experience, if applicable. Such verification must be sent by the employer and include:
- (1) Name of employer and name of facility;
 - (2) Address of facility;
 - (3) Position held by applicant;
 - (4) Dates of employment; and
 - (5) Brief statement of type of work experience; and
- h. Examination Information: If the written examination was taken in a state other than Nebraska, an official score report sent directly from the testing agency or state in which the test was administered; and
- (1) Documentation of examination, including:
 - (a) Name of examination;

- (b) Date of examination; and
 - (c) Rating/grade received; and
3. Fee: The applicant must submit the required license fee along with the application and all required documentation.
- a. Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

106-003.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

106-003.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC106-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

106-003.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

106-003.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 106-018 or such other action as provided in the statutes and regulations governing the credential.

106-003.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

106-003.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

106-003.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

106-004 RECIPROCITY - NURSING HOME ADMINISTRATOR: Any individual who is responsible for planning, organizing, directing and controlling the operation of a home for the aged or infirm, or nursing home must be licensed as a Nursing Home Administrator.

106-004.01 Qualifications: To receive a credential to practice nursing home administration, an individual must meet the following qualifications:

1. License: Hold a current license as a Nursing Home Administrator in another state or jurisdiction;
2. Age and Good Character: Be at least 19 years old and of good character; and
3. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to employment in the United States.

106-004.02 Application: To apply for a credential to practice as a nursing home administrator, based on reciprocity, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (6) The applicant's telephone number including area code (optional);
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional); and
 - (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;

- (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
 - b. Practice Before Application: The applicant must state:
 - (1) That s/he has not practiced nursing home administration in Nebraska before submitting the application; or
 - (2) If s/he has practiced nursing home administration in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice; and
 - c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character;
- 2. Documentation: The applicant must submit the following documentation with the application:
 - a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;
 - b. Evidence of good character, including:
 - (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;

The applicant must have the licensing agency submit to the Department a certification of his/her credential;

- (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial;
 - (4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of the actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (f) Any other information as requested by the Board/Department.
- c. Evidence that the applicant is:
- (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
- (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);

- (5) A Certificate of Citizenship (N-560 or N-561);
- (6) Certification of Report of Birth (DS-1350);
- (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
- (8) Certification of Birth Abroad (FS-545 or DS-1350);
- (9) A United States Citizen Identification Card (I-197 or I-179);
- (10) A Northern Mariana Card (I-873);
- (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
- (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
- (13) A document showing an Alien Registration Number ("A#"); or
- (14) A Form I-94 (Arrival-Departure Record);

3. Fee: The applicant must submit the required license fee along with the application and all required documentation.
 - a. Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

106-004.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

106-004.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC106-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

106-004.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

106-004.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 106-018 or such other action as provided in the statutes and regulations governing the credential.

106-004.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

106-004.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

106-004.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

106-005 ADMINISTRATOR FOR A FACILITY CARING FOR PERSONS WITH HEAD INJURIES AND ASSOCIATED DISORDERS: An individual who will function as the administrator of a facility caring primarily for persons with head injuries and associated disorders must be licensed as a nursing home administrator.

106-005.01 Qualifications: To receive a credential to practice nursing home administration of a facility caring primarily for persons with head injuries and associated disorders, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to employment in the United States;
3. Experience: Have at least 2 years of experience working with persons with head injuries or severe physical disabilities, at least one of which was spent in an administrative capacity; and
4. License: Hold a license as:
 - a. A psychologist with at least a master's degree in psychology from an accredited college or university; and
 - (1) Have specialized training; or
 - (2) One year of experience working with persons with traumatic head injury or severe physical disability; or
 - b. A physician licensed pursuant to the Uniform Credentialing Act to practice medicine and surgery or psychiatry; and
 - (1) Have specialized training; or
 - (2) One year of experience working with persons with traumatic head injury or severe physical disability; or

- c. An educator with at least a master's degree in education from an accredited college or university; and
 - (1) Have specialized training; or
 - (2) One year of experience working with persons with traumatic head injury or severe physical disability; or

- d. A certified social worker, a certified master social worker, or a licensed mental health practitioner certified or licensed pursuant to the Uniform Credentialing Act; and
 - (1) Have at least three years of social work or mental health practice experience and specialized training; or
 - (2) One or more years of experience working with persons who have experienced traumatic head injury or are severely physically disabled.

106-005.02 Application: To apply for a credential to practice as a nursing home administrator the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:

a. Personal Information:

- (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
- (2) Date of birth (month, day, and year);
- (3) Place of birth (city and state or country if not born in the United States);
- (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
- (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
- (6) The applicant's telephone number including area code (optional);
- (7) The applicant's e-mail address (optional);
- (8) The applicant's fax number (optional); and
- (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a

- (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial; and
- (4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (f) Any other information as requested by the Board/Department;
- c. Evidence that the applicant is:
 - (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
 - (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship (N-560 or N-561);
 - (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);

- (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (13) A document showing an Alien Registration Number ("A#"); or
 - (14) A Form I-94 (Arrival-Departure Record);
- e. Documentation of education, including:
- (1) Name and date of diploma/degree awarded;
 - (2) Name of school, college, university that awarded the diploma/degree; and
 - (3) An official transcript showing receipt of the degree obtained by the applicant.
- f. Licensure Category: Evidence of the type of license held by the applicant and the license number as follows:
- (1) Psychologist;
 - (2) Physician;
 - (3) Educator;
 - (4) Certified Social Worker;
 - (5) Certified Master Social Worker; or
 - (6) Licensed Mental Health Practitioner.
- g. Training or Experience:
- (1) Brief description of specialized training received or experience received working with persons with head injuries or severe physical disabilities;
 - (2) Experience in an administrative capacity (must be at least 1 year in duration);
 - (3) Name of facility or institution in which training or experience was completed;
 - (4) Duration of Experience (From – To).
3. Fee: The applicant must submit the required license fee along with the application and all required documentation.
- a. Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

106-005.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

106-005.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC106-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

106-005.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

106-005.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 106-018 or such other action as provided in the statutes and regulations governing the credential.

106-005.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

106-005.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

106-005.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

106-006 ADMINISTRATOR RESPONSIBLE/OVERSEEING MORE THAN 1 FACILITY OR THE DUAL ROLE OF ADMINISTRATOR AND DEPARTMENT HEAD: An administrator may be responsible for and oversee the operations of up to three licensed facilities or may act in the dual role of administrator and department head (but not in the dual role of administrator and director of nursing) if the Board approves.

106-006.01 Qualifications: To receive approval, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under

the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to employment in the United States; and

3. Facility Requirements:

- (1) The travel time between the two facilities the farthest apart must not exceed two hours. Travel time must be by motor vehicle. Air time is not considered travel time for this purpose;
- (2) The distance between the two facilities the farthest apart must not exceed 150 miles; and
- (3) The combined total number of beds in the facilities must not exceed 200.

106-006.02 Application: To apply for a approval, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:

a. Personal Information:

- (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
- (2) Date of birth (month, day, and year);
- (3) Place of birth (city and state or country if not born in the United States);
- (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
- (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
- (6) The applicant's telephone number including area code (optional);
- (7) The applicant's e-mail address (optional);
- (8) The applicant's fax number (optional); and
- (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or

- (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
 - b. Facility Information: Name and address of the facilities for which the administrator will be responsible for overseeing, and the:
 - a. Number of beds per facility;
 - b. Driving time from facility to facility; and
 - c. Number of miles from facility to facility; and
 - c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character;
- 2. Documentation: The applicant must submit the following documentation with the application:
 - a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation; and
 - b. Evidence of good character, including:
 - (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed.

The application must have the licensing agency submit to the Department a certification of his/her credential;
 - (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) Denial: If the applicant was denied a credential or denied the

right to take an examination, an explanation of the basis for the denial; and

(4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:

- (a) A list of any misdemeanor or felony convictions;
- (b) A copy of the court record, which includes charges and disposition;
- (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
- (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
- (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
- (f) Any other information as requested by the Board/Department;

c. Evidence that the applicant, is:

- (1) A citizen;
- (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
- (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States; and

d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:

- (1) A U.S. Passport (unexpired or expired);
- (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
- (3) An American Indian Card (I-872);
- (4) A Certificate of Naturalization (N-550 or N-570);
- (5) A Certificate of Citizenship (N-560 or N-561);
- (6) Certification of Report of Birth (DS-1350);
- (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
- (8) Certification of Birth Abroad (FS-545 or DS-1350);

- (9) A United States Citizen Identification Card (I-197 or I-179);
- (10) A Northern Mariana Card (I-873);
- (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
- (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
- (13) A document showing an Alien Registration Number ("A#"); or
- (14) A Form I-94 (Arrival-Departure Record).

106-006.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

106-006.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC 106-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

106-006.05 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 106-018 or such other action as provided in the statutes and regulations governing the credential.

106-006.06 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

106-006.07 Address Information: Each credential holder must notify the Department of any change to the address of record.

106-006.08 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

106-007 ADMINISTRATOR-IN-TRAINING PROGRAM AND MENTORING PROGRAM: Individuals applying for an initial license as a Nursing Home Administrator who must complete an administrator-in-training program or mentoring program, must complete such under the supervision of a certified preceptor. The criteria and documentation required by the Board are set forth below:

106-007.01 Qualifications: To receive a credential to complete an administrator-in-training or mentoring program, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to employment in the United States; and
3. Education: Applicants must have completed at least 50% of the required core areas specified in 172 NAC 106-002, section 17.

106-007.02 Application: To apply for a credential to begin the administrator-in-training or mentoring program, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record number. Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (6) The applicant's telephone number including area code (optional);
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional); and
 - (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;

- b. Preceptor/Facility Information: The applicant must provide the:
 - (1) Name of preceptor;
 - (2) Name of facility where training will occur;
 - (3) Address of facility; and
 - (4) Telephone number of facility (Optional);
 - c. Dates of Training: The applicant must provide the:
 - (1) Proposed starting date of training;
 - (2) Proposed ending date of training; and
 - (3) Proposed number of hours to be trained per week;
 - d. Practice Before Application: The applicant must state:
 - (1) That s/he has not practiced nursing home administration in Nebraska before submitting the application; or
 - (2) If s/he has practiced nursing home administration in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice; and
 - e. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character;
2. Documentation: The applicant must submit the following documentation with the application:
- a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;
 - b. Evidence of good character, including:
 - (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed.

The application must have the licensing agency submit to the Department a certification of his/her credential;

- (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial; and
 - (4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (f) Any other information as requested by the Board/Department;
- c. Evidence that the applicant is:
- (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
- (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;

- (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship (N-560 or N-561);
 - (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
 - (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (13) A document showing an Alien Registration Number ("A#"); or
 - (14) A Form I-94 (Arrival-Departure Record);
- e. Documentation of education, including:
- (1) Name and date of diploma/degree awarded or to be awarded;
or
 - (2) Official transcript from an approved educational program showing completion of at least 50% of the core educational areas and/or official verification of completion of continuing education;
- f. Core Education: Evidence of completion of the specified core educational areas, if applicable. Evidence must include:
- (1) Name of the course and course number or continuing education provider;
 - (2) Number of hours completed; and
 - (3) Course syllabus or continuing education course description;
or
 - (4) Similar documentation; and
- g. Training Agreement: Evidence of an agreement between the certified preceptor and the applicant for at least 640 hours of training and experience, to be gained in not less than 4 months, and not less than 20 hours per week. Such agreement may be submitted on a form provided by the Department or on an alternate form, and must include the following information:
- (1) Statement signed by the preceptor and administrator-in-training or mentoring applicant, agreeing to training for at least 640 hours, gained in not less than 4 months, and gained in not less than 20 hours per week.

If completed in less than 40 hours per week, but not less than 20 hours per week, a proposed schedule of training to meet the Administrator-in-Training or mentoring period; and

3. Fee: The required administrator-in-training program or mentoring program fee as specified in 172 NAC 2.

106-007.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

106-007.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC 106-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

106-007.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

106-007.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 106-018 or such other action as provided in the statutes and regulations governing the credential.

106-007.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

106-007.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

106-007.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

106-008 ADMINISTRATOR-IN-TRAINING OR MENTORING PROGRAM REPORTING REQUIREMENTS

106-008.01 Requirements: Upon approval by the Board of an administrator-in-training or mentoring program, the certified preceptor and the trainee must:

1. Submit to the Department: A progress report describing the nature and extent of the training on a form provided by the Department, or on an alternate format, which includes the following information. Progress reports must be submitted by the 5th day of each calendar month of the duration of the training.
 - a. General Information:
 - (1) Name of trainee;
 - (2) Name of nursing home where training is being completed; and
 - (3) Nursing home address;
 - b. Training Completed for the Month of Report:
 - (1) Dates training period covers (From – To);
 - (2) Hours worked per week; and
 - (3) Total Hours worked in the reporting period;
 - c. Training Area: Dates for which training was provided in the following areas:
 - (1) General Administration:
 - (a) Organization of the Facility (Must be inclusive of all of the following):
 - [1] Administrative Purpose and Function;
 - [2] Governing Body or Advisory Board and Organizational Chart
 - [3] By-Laws; and
 - [4] Quality Assurance;
 - (b) Personnel (Must be inclusive of all of the following):
 - [1] Personnel Policies and Procedures;
 - [2] Orientation and Staff Development;
 - [3] Employee Benefits and Insurance Package;
 - [4] Recruitment/Retention/and Turnover;
 - [5] Wage and Hour;
 - [6] Personnel Files (Registration and Licensure);
 - [7] Performance Evaluations;
 - [8] Labor Laws:
 - [a] Personnel Handbook;
 - [b] EEO Information;
 - [c] Employment / Unemployment;
 - [d] Worker's Compensation;
 - [e] Union Activity;
 - [f] Release of Information;
 - [g] Required Posters;
 - [h] American with Disabilities Act (ADA);
 - [i] Family Medical Leave Act;

- [j] Staffing Agencies;
 - [k] Nursing Assistant Registry Checks;
 - [l] Criminal Background Checks;
 - [9] Sexual Harassment;
 - [10] OSHA 200 Log (Bookkeeping Requirements);
 - [11] HIPA/ERISA; and
 - [12] Occupational Allergies (latex gloves, hand soap, etc.);
- (c) Admissions (Must be inclusive of all of the following):
- [1] Pre-Admission;
 - [2] Admitting Policies and Procedures (Patient Self-Determination Act);
 - [3] Transfer Agreement and Admission Policies;
 - [4] MDS and Identification (ID) Screen / Senior Care Options; and
 - [5] Medicaid/Medicare Waiver and Medicare Admission Guidelines;
- (d) Finance (Must be inclusive of all of the following):
- [1] Budget Preparation and Reporting;
 - [2] Evaluation of Financial Statements;
 - [3] Audits/Medicare/Medicaid;
 - [4] Contracts – VA / HMS / Managed Care, etc.;
 - [5] Medicaid / Case Mix Reimbursement / Cost Reports;
 - [6] Medicare/PPS/ Fiscal Intermediaries / Fraud Reimbursement;
 - [7] Taxes;
 - [8] Corporate/Board Compliance Plan; and
 - [9] Long Term Care Insurance;
- (e) Business (Must be inclusive of all of the following):
- [1] Payroll;
 - [2] Inventory;
 - [3] Accounts Receivable/ Turn Around / CPT Codes / HCBPICS Codes / Bad Dept Collection;
 - [4] Accounts Payable (Third Party Payers);
 - [5] Resident Trust Accounts;
 - [6] Bookkeeping Policies and Procedures;
 - [7] Facility Insurance;
 - [8] Vendor Contracting;
 - [9] Benefit Programs; and
 - [10] Record Retention;
- (f) Marketing (Must be inclusive of all of the following):
- [1] Public Relations;
 - [2] Newsletter/Publications;

- [3] Community Relationships;
- [4] Customer Satisfaction; and
- [5] Market Analysis;

(g) Survey Process/Regulatory Compliance -
Federal/State/Local:

- [1] State Operating Manual (SOM);
- [2] Quality Indicators; and
- [3] Enforcement / F-Tags / Scope & Severity /
Sentinel Events / Civil Money Penalties;

(2) Dietary:

- (a) Department Organization; Job Descriptions,
Regulations, Policies and Procedures,
Staffing/Scheduling, and Budgeting;
- (b) Preparation and Service of Food;
- (c) Assessment and Care Plan Involvement / RAPS;
- (d) Food Service Code Book / Food Service Sanitation
Manual / HACCP (Health Administration Culinary Code
Program);
- (e) Infection Control and Sanitation;
- (f) Consultant;
- (g) Ordering and Inventory;
- (h) Weight Loss Protocols; and
- (i) Customer Service / Fine Dining;

(3) Housekeeping and Laundry:

- (a) Department Organization; Job Descriptions,
Regulations, Policies and Procedures,
Staffing/Scheduling, and Budgeting;
- (b) Infection Control and Sanitation;
- (c) Purchasing;
- (d) Equipment Maintenance and Operation; and
- (e) Linen Supply/Storage/Inventory;

(4) Maintenance:

- (a) Department Organization; Job Descriptions,
Regulations, Policies and Procedures,
Staffing/Scheduling, and Budgeting;
- (b) Preventive Maintenance Programs;
- (c) A.N.S.I. Audit and Review;
- (d) Life Safety Code and Facility Systems;
- (e) OSHA; Hazardous Chemical Program; MSDS;
- (f) Emergency Preparedness;

- (g) Grounds and Facility Maintenance;
 - (h) Lockout / Tagout; and
 - (i) Safety Committee;
- (5) Nursing:
- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures, Staffing/Scheduling, and Budgeting;
 - (b) Nursing Assistant Training / Medication Aide Training;
 - (c) Admission Assessment and MDS / RAPS;
 - (d) Comprehensive Plan of Care;
 - (e) Restorative/Rehabilitation and Nursing;
 - (f) Administrative/Storage/and Documentation of Drugs and Biological;
 - (g) Infection Control – Standard Precautions;
 - (h) Multiple Drug Resistant Organisms;
 - (i) OSHA; Blood Borne Pathogens;
 - (j) Nutrition Observation and Supervision;
 - (k) Incident/Accident Reports; and
 - (l) Medical Terminology;
- (6) Medical and Allied Health:
- (a) Medical Director;
 - (b) Physician Services/Relationships;
 - (c) Allied Health Providers; and
 - (d) Consultant Agreements;
- (7) Medical Records / Health Information Management:
- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures, Staffing/Scheduling, and Budgeting;
 - (b) Storage and Record Retention;
 - (c) Release of Information Protocols; and
 - (d) ICD-9 Coding;
- (8) Activities:
- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures Staffing/Scheduling, and Budgeting;
 - (b) Assessment – MDS / RAPS;
 - (c) Comprehensive Care Plan;
 - (d) Activity Calendar / 7 day week;
 - (e) Volunteer Program;

- (f) 1 to 1 Activities and Recordkeeping; and
- (g) Resident Council;

(9) Social Services:

- (a) Department Organization; Job Descriptions, Regulations, Policies and Procedures, Staffing/Scheduling, and Budgeting;
- (b) Pre-Admission and Admission;
- (c) MDS / RAPS and Assessment;
- (d) Comprehensive Care Plan;
- (e) Resident Rights;
- (f) Documentation;
- (g) Psycho-social Needs / Assessment;
- (h) Death and Dying / Grief Bereavement / Hospice Services;
- (i) Discharge Planning;
- (j) Support Services and Agencies;
- (k) Abuse and Neglect / Investigation and Reporting;
- (l) Behavioral Management;
- (m) Family Council; and
- (n) Advanced Directives;

- d. Statement signed by the certified preceptor and trainee stating "I hereby state that the foregoing record of training indicates the true record for the above named administrator-in-training or mentor trainee".

106-008.02 Changes in Preceptor and/or Facility: The Department must be notified of any changes which occur during completion of the administrator-in-training or mentoring program. Such changes may include but are not limited to:

- 1. Change in certified preceptor;
- 2. Interruption in the duration of the approved administrator-in-training or mentoring program; or
- 3. Any request for termination of the administrator-in-training or mentoring program.

106-008.03 Process for Requesting a Change in Preceptor or Facility: The following must be submitted to the Department:

- 1. Application: Changes may be submitted on a form provided by the Department, or on an alternate form, which include:
 - a. Applicant Information:
 - (1) Name;
 - (2) Mailing address;

- (3) Telephone number (Optional); and
- (4) Social Security Number;
- b. Preceptor/Facility Information:
 - (1) Name of preceptor;
 - (2) Name of facility where training will occur;
 - (3) Address of facility; and
 - (4) Telephone number of facility (optional); and
- c. Date and Signature of Administrator-in-Training or Mentor Trainee and Certified Preceptor.

106-008.04 Administrator-in-Training or Mentoring Program Completed in Another State: Applicants who completed a training program in another state must meet the same requirements as 172 NAC 106-007.

106-009 PROVISIONAL LICENSURE AS A NURSING HOME ADMINISTRATOR: If there is a vacancy in the position of licensed administrator of a home for the aged or infirm or nursing home, the owner, governing body, or other appropriate authority of the home for the aged or infirm or nursing home may select a person, not otherwise qualified for licensure as a nursing home administrator, to apply for a provisional license in nursing home administration to serve as the administrator of such facility.

Such license, if issued, will be issued to an individual in order to maintain the daily operations of the facility and may not be renewed.

106-009.01 Qualifications: To receive a credential, an individual must meet the following qualifications:

1. Age and Good Character: Applicant must be at least 21 years of age and of good character;
2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to employment in the United States;
3. Employment: The provisional licensee can not concurrently complete the administrator-in-training program or provide services which require full dedication to the position, except that a person in a mentoring program may obtain a provisional license at the same time s/he is completing the mentoring program.
4. Unprofessional Conduct, Denial, or Disciplinary Action: Have NO history of unprofessional conduct, denial, or disciplinary action against a nursing home administrator license or a license to practice any other profession by any

lawful licensing authority for reasons outlined in 172 NAC 106-015 and Neb. Rev. Stat. §§38-178 through 38-180.

106-009.02 Duration of License and Extension:

1. Expiration Date: The provisional license will be issued for no more than 180 calendar days.
2. Non-Renewal: The provisional license may not be renewed.
3. Extension: The Board may grant an extension not to exceed 90 days if the person seeking the provisional license is in a mentoring program.

106-009.03 Application: To apply for a credential to practice as a provisional licensed nursing home administrator, the applicant must submit a complete application to the Department. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (6) The applicant's telephone number including area code (optional);
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional); and
 - (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;

- b. Practice Before Application: The applicant must state:
 - (1) That s/he has not practiced nursing home administration in Nebraska before submitting the application; or
 - (2) If s/he has practiced nursing home administration in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice; and
 - c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character.
2. Documentation: The applicant must submit the following documentation with the application:
- a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;
 - b. Evidence of good character, including:
 - (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed.

The application must have the licensing agency submit to the Department a certification of his/her credential;
 - (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial;

- (4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
- (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (f) Any other information as requested by the Board/Department; and
- c. Evidence that the applicant is:
- (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
- (1) A U.S. Passport (unexpired or expired);
 - (2) A certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship (N-560 or N-561);
 - (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
 - (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise

- known as a "Green Card");
- (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
- (13) A document showing an Alien Registration Number ("A#"); or
- (14) A Form I-94 (Arrival-Departure Record);
- e. Intended Facility of Employment:
 - (1) Name of facility to be employed;
 - (2) Address of facility;
 - (3) Name of previous administrator of facility;
- 3. Fee: The required licensure fee; such fee is non-refundable; and
- 4. Affidavit of Designation of a Provisional License: Signed affidavit completed by the owner, governing body, or other appropriate authority of the home for the aged or infirm which includes:
 - a. Name of chairperson, governing body, or similar authority of the nursing home;
 - b. Name of applicant requesting a provisional license;
 - c. Name of previous administrator;
 - d. Proposed starting date; and
 - e. Reason for request (death of previous administrator, medical emergency, unexpected resignation of the licensed administrator, other).

106-009.04 Notification of Hiring Licensed Administrator: Upon the hiring of a licensed administrator or expiration of the provisional license in 180 days, whichever ever occurs first, the owner, governing body or other appropriate authority of the home for the aged or infirm must present written verification to the Board of a licensed Nursing Home Administrator assuming the operation of the home for the aged or infirm or nursing home.

106-009.05 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

106-009.06 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC 106-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

106-009.07 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be

retained by the Department.

106-009.08 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 106-018 or such other action as provided in the statutes and regulations governing the credential.

106-009.09 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

106-009.10 Address Information: Each credential holder must notify the Department of any change to the address of record.

106-009.11 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

106-010 CERTIFIED PRECEPTOR: A nursing home administrator who wishes to supervise an administrator-in-training or a mentoring program trainee in Nebraska, must obtain a certification as a preceptor.

106-010.01 Qualifications: To receive a credential as certified preceptor, an individual must meet the following qualifications:

1. License: Have a current and active Nebraska Nursing Home Administrators license;
2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to employment in the United States;
3. Experience: Have obtained three years of experience as a Nursing Home Administrator in the five years immediately preceding application for certification;
4. Training: Have completed at least an 8 hour preceptor training course approved by the Board, as described in 172 NAC 106-011, and said training must have been completed within the 12 months immediately prior to the application for a preceptor certification; and
5. Disciplinary Action: Has not had his/her license disciplined, limited, suspended, or placed on probation during the 1 year immediately preceding

the application for a preceptor certification. At least 1 year must have elapsed following completion of any disciplinary terms and conditions. If any of these actions are taken by the Department during the AIT/Mentoring training supervisory period, the preceptor must terminate the supervision immediately and notify the Department.

106-010.02 Application: To apply for a preceptor credential the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:

a. Personal Information:

- (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
- (2) Date of birth (month, day, and year);
- (3) Place of birth (city and state or country if not born in the United States);
- (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
- (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
- (6) The applicant's telephone number including area code (optional);
- (7) The applicant's e-mail address (optional);
- (8) The applicant's fax number (optional); and
- (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;

b. Practice Before Application: The applicant must state:

- (1) That s/he has not practiced as a preceptor in Nebraska before submitting the application; or
- (2) If s/he has practiced as a preceptor in Nebraska before

submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice; and

- c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character.

2. Documentation: The applicant must submit the following documentation with the application:
 - a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;

 - b. Evidence of good character, including:
 - (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;

The applicant must have the licensing agency submit to the Department a certification of his/her credential;
 - (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial; and
 - (4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;

- (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (f) Any other information as requested by the Board/Department; and
- c. Evidence that the applicant is:
- (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
- (1) A U.S. Passport (unexpired or expired);
 - (2) A certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship (N-560 or N-561);
 - (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
 - (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (13) A document showing an Alien Registration Number ("A#"); or
 - (14) A Form I-94 (Arrival-Departure Record);

- e. Experience:
 - (1) Name of nursing home(s) where experience occurred;
 - (2) Address of nursing home(s); and
 - (3) Dates of experience (From – To); and
 - f. Preceptor Training Course:
 - (1) Date of preceptor training; and
 - (2) Name of provider of preceptor training.
3. Fee: The applicant must submit the required license fee along with the application and all required documentation.
- a. Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

106-010.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

106-010.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC106-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

106-010.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

106-010.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 106-018 or such other action as provided in the statutes and regulations governing the credential.

106-010.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

106-010.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

106-010.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

106-011 INITIAL AND/OR RENEWAL PRECEPTOR TRAINING COURSE: The preceptor training course must be at least 8 hours in duration and include the following 4 topic areas, with a minimum of 1 hour per topic area:

1. Culture Change and/or Quality of Life;
2. State Statutes and Federal Regulations relating to Nursing Home Administrators;
3. Leadership and/or Team Building and/or Communication and/or Generation Styles; and
4. Adult Education and/or Train the Trainer and/or Learning Styles.

The remaining 4 hours may include any of the following topics:

1. Learning Styles (personality, how do I learn);
2. State Regulations relating to nursing home facilities (Chapter 12);
3. Personnel Issues (wages, confidentiality, etc);
4. Culture Change (medical vs personal);
5. State and Federal Regulations affecting Nursing Homes (examples: ADA, FMLA, ANSI, NFPI-FSES);
6. Leadership;
7. Public Relations;
8. Team Building;
9. Communication Skills;
10. Train the Trainer;
11. Business and Finances;
12. Adult Education; or
13. Generation Changes.

106-012 EXAMINATION ELIGIBILITY AND PROCEDURES

106-012.01 Written Examination: To be eligible to take the written examination, an applicant must have received written notification from the Department of registration of the administrator-in-training (AIT) or mentoring program or, if an AIT or mentoring program is not required, evidence of completion of the appropriate degree as specified in 172 NAC 106-003. The license will not be issued until the applicant has completed all licensure requirements.

106-012.02 Applicant Responsibility: The applicant must apply to take the examination directly with the National Association of Long Term Care Administrator Boards (NAB) and apply to the Department for approval to take the examination.

106-012.03 Department Responsibilities: The Department will determine the applicant's eligibility to take the examination and notify NAB.

106-012.04 NAB Responsibilities: NAB will notify each eligible candidate for whom it has received the Department's approval.

106-012.05 Failed Examination: An examinee who fails to obtain a passing score on the written examination may retake the examination in accordance with the policies of NAB.

106-012.06 Notification of Examination Results: The Department will notify an applicant in writing of the licensure examination results after receipt of the results from NAB.

106-013 CONTINUING COMPETENCY REQUIREMENTS

106-013.01 CERTIFIED PRECEPTOR - Continuing Competency Requirements: Each nursing home administrator holding an active preceptor certificate within the state must, on or before the date of expiration of the credential, comply with the continuing competency requirements for his/her profession

106-013.01A Continuing Competency Requirements: On or before December 31st of every fourth year beginning December 31, 2000 , each nursing home administrator holding an active preceptor certificate in the State of Nebraska must complete at least 8 hours of approved preceptor training during the preceding 48-month period. No more than the total number of approved hours offered in Nebraska will be required during this period.

Except as otherwise provided in 172 NAC 106-014.02A and 106-013.02B, the Department will not renew the credential of any person who has not complied with these requirements. Each credentialed individual is responsible for maintaining certificates or records of continuing competency activities.

106-013.01B Supervising and AIT/Mentor: If a preceptor supervises an AIT/Mentor during the renewal period, s/he will be granted 8 hours of preceptor continuing competency for supervising one AIT/Mentor and a total of 16 hours for supervising 2 AIT's/Mentors during the four-year renewal period. These hours may also be included in the required continuing competency hours to renew the NHA license.

If a preceptor does not supervise an AIT/Mentor during the four-year renewal period, in order to maintain an active preceptor certification s/he must complete an approved preceptor training program as described in 172 NAC 106-011.

106-013.01C Program Criteria: In order for a preceptor training program to be approved, the program must meet the following criteria:

1. The program must be at least 8 hours in duration and include the topic areas identified in 172 NAC 106-011;

2. The program's objectives must relate to the topic areas defined in 172 NAC 106-011;
3. Presenters of programs must be qualified by education, experience or training;
4. Programs must be open to all Preceptors certified by Nebraska who meet the pre-requisites for the program; and
5. Program providers must have a process for verifying attendance.

106-013.01D Procedures For Requesting Approval of a Preceptor Training Program: To obtain approval of a preceptor training program, a provider/and or licensee must submit a request for review and approval. Such request may be submitted on a form provided by the Department or on an alternate format. The following information must be included with the request:

1. A copy of the agenda of the program indicating actual presentation times, lunch and breaks;
2. The name of the program;
3. A description of program objectives;
4. A description of the qualifications of each presenter. Curriculum vita, resume, or documentation of training in a presentation of programs pertaining to nursing home administration may also be submitted as supporting documentation of the presenter's qualifications;
5. The number of hours for which approval is requested;
6. The name, address and telephone number of the provider and its administrator or operating officer;
7. A description of the process the provider uses to verify attendance by the licensee/certificate holder;
8. A sample copy of the documentation the provider issues to the licensee/certificate holder as proof of attendance at the program;
9. The date, time and place of the program;
10. The required continuing education application fee; and
11. Such additional documents or information as the applicant may consider relevant to the request for review and approval of a continuing education program and in compliance with the Act and these regulations.

106-013.01E Incomplete Application: In the event a request for continuing education approval is determined to be incomplete, the Division will notify the applicant of the information necessary to complete the request and retain the information on file, pending receipt of such additional information.

106-013.01F Prior Approval: The Board will act within 60 days upon all completed requests for approval of a preceptor training program and will notify the applicant.

106-013.01G Advertisement of Approvals: After the Board has granted its written approval of the program, the provider is entitled to state upon its publications: "This

preceptor training program is approved for _____ [number of hours approved] Nebraska Nursing Home Administration continuing education hours."

106-013.01H Continuing Education Certificate of Completion: Each provider of an approved continuing education program must furnish to each person completing the program a certificate of completion.

1. Each certificate must include the following:
 - a. Program name;
 - b. Name of the participant and his or her license/certificate number;
 - c. Provider's name;
 - d. Date the program began and ended; and
 - e. Number of hours received by the licensee/certificate holder, not to exceed the number of hours granted for the program.
2. Presentation of the certificate constitutes evidence that the person complied with all requirements of the program and completed the program.

106-013.01I Program Monitoring: The provider must employ a reliable system to monitor the physical presence of participants throughout the entire program. If a participant chooses not to participate in the entire program, the certificate of attendance must reflect the participant's actual hours of attendance.

106-013.01J Denial of Continuing Education Programs: The Board may deny a request for approval of a preceptor training program, or suspend or revoke approval of such.

106-013.01J(1) A program may be denied on any of the following grounds:

1. Fraud or misrepresentation of information in a request;
2. Program content or the presenter's qualifications fail to meet requirements specified in 172 NAC 106-013;
3. The program's objectives do not relate to the practice of Nursing Home Administration;
4. Failure to meet the requirements of 172 NAC 106-013; and
5. Failure to reflect participant's actual hours of attendance upon the certificate issued.

106-013.01K The Board may grant or deny a request for approval of continuing education programs. Should the Board determine to deny a request, the Division will send to the applicant by either certified or registered mail to the last address of record in the Department a notice setting forth the reasons for the determination.

1. Denial of a request submitted by a provider becomes final 30 calendar days after receipt of the notice unless the applicant within such 30-day period gives written notice to the Board of a desire for hearing. The hearing will be conducted in accordance with 184 NAC 1, Rules of Practice and Procedure of the Department.

106-013.02 NURSING HOME ADMINISTRATOR - Continuing Competency Requirements:

On or before December 31st of each even numbered year, each nursing home administrator holding an active license in the State of Nebraska must complete at least 50 hours of approved continuing education during the preceding 24-month period. A licensee may carry-over up to 25 hours earned beyond the 50 hours for the next renewal period. No more than the total number of approved hours offered in Nebraska will be required during this period. Hours are defined as:

1. Academic Credit: A maximum of 25 hours of continuing education credit per a biennial renewal period may be obtained through academic credit; continuing education obtained through academic credit is calculated as follows:
 - a. 1 semester hour of academic credit equals 5 continuing education credit hours; and
 - b. 1-quarter hour of academic credit equals 3 continuing education credit hours;
2. Home Study: A maximum of 25 hours of continuing education credit per a biennial renewal period may be obtained through home study programs.
3. Continuing Education Programs: 60 minutes of participation equals 1 continuing education hour/credit.

106-013.02A Acceptable Continuing Competency Topic Areas: The Board does not approve continuing competency programs/activities for renewal of a nursing home administrator license. In order for a continuing competency activity/program to be accepted for renewal or reinstatement of a license, the activity must include one or a combination of the following topic areas:

1. Courses, clinics, forums, lectures, college/university courses, workshops or educational seminars relating to health care administration as defined by the following:
 - a. Applicable standards of environmental health and safety;
 - b. Applicable health and safety regulations;
 - c. General administration;
 - d. Psychology of patient care;
 - e. Principles of patient care;
 - f. Personal and social care of residents;
 - g. Therapeutic and supportive care and services in long-term care;
 - h. Facility departmental organization and management; and
 - i. Community health/service organizations.
2. Programs approved by the following are considered acceptable for renewal or reinstatement of a license. Only the number of hours indicated as approved by these organizations will be acceptable for renewal.

- a. American Association of Homes and Services for the Aging (AAHSA);
- b. American College of Health Care Administrators (ACHCA);
- c. American Health Care Association (AHCA);
- d. American Medical Directors Association (AMDA);
- e. Nebraska Association of Homes and Services for the Aging (NAHSA);
- f. Nebraska Health Care Association (NHCA); or
- g. National Continuing Education Review Service (NCERS) through NAB.

106-013.02B Presenter Credit: If the licensee is a presenter, s/he must maintain documentation of his/her presentation of an approved continuing education program. A presenter may receive credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program.

106-013.02C Continuing Education Workshop Criteria: To be considered acceptable for continuing competency, a continuing education workshop must meet the following criteria:

1. The program must be at least 60 minutes in duration;
2. The program's objectives must relate directly to the practice of Nursing Home Administration as defined in 172 NAC 106-002, item 17;
3. Presenters of programs must be qualified by education, experience or training;
4. Programs must be open to all Nursing Home Administrators licensed by Nebraska who meet the pre-requisites for the program; and
5. Program providers must have a process for verifying attendance.

106-013.02D Criteria for a Home Study Program: To be considered acceptable for continuing competency, a home study program must meet the following criteria:

1. Objectives: The home study program's objectives must relate directly to the enhancement of practice/skills of Nursing Home Administration. Examples of home study programs are: videotapes, audiotapes, textbook, Internet, or teleconference;
2. Author: Program author(s) of home study programs must meet the following qualifications:
 - a. Have experience in long term care, content and subject matter;
 - b. Have expertise in teaching and instructional methods suitable to subject presented; and
 - c. Have suitable academic qualifications, certification credentials, and/or experience for subject presented;

3. Hours: 15 pages of double spaced text equals 1 hour of continuing education. The examination and bibliography are not calculated in the total number of pages.
4. Post-Test: The home study program must include a post-test.

106-013.02E Continuing Education Certificate of Completion: Each provider of a continuing education program must furnish to each person completing the program a certificate of completion.

1. Each certificate must include the following:
 - a. Program name;
 - b. Name of the participant and his or her license/certificate number;
 - c. Provider's name;
 - d. Date the program began and ended; and
 - e. Number of hours received by the licensee/certificate holder, not to exceed the number of hours granted for the program.
2. Presentation of the certificate constitutes evidence that the person complied with all requirements of the program and completed the program.

106-013.02F Program Monitoring: The provider must employ a reliable system to monitor the physical presence of participants throughout the entire program. If a participant chooses not to participate in the entire program, the certificate of attendance must reflect the participant's actual hours of attendance.

106-014 RENEWAL: An individual who wants to renew his/her nursing home administrator or preceptor credential must request renewal as specified in 172 NAC 106-014.02. All nursing home administrator credentials issued by the Department will expire on December 31st of each even-numbered year and preceptor certifications will expire on December 31st of every 4 years from the date of issuance.

106-014.01 Renewal Notice: At least 30 days before the expiration of a credential, the Department will notify each credential holder to the last known address of record. The renewal notice will include:

1. The type of credential;
2. The credential number;
3. The expiration date;
4. Continuing competency requirements for renewal;
5. The amount of the renewal fee; and
6. Information on how to request renewal and how to place a credential on inactive status.

106-014.02 Renewal Procedures: The request for renewal may be submitted in person or by mail or Internet, and must include all required documentation and the renewal fee, which must be paid no later than the expiration date. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (3) The applicant's:
 - (a) Social Security Number (SSN); or
 - (b) Alien Registration Number (A#); or
 - (c) Form I-94 (Arrival-Departure Record) number.
Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - (4) The applicant's telephone number including area code (optional);
 - (5) The applicant's e-mail address (optional); and
 - (6) The applicant's fax number (optional);
 - b. Continuing Competency: The individual:
 - (1) Must attest to meeting the continuing competency requirements as specified in 172 NAC 106-013; or
 - (2) May request a waiver of continuing competency requirements as specified in 172 NAC 106-014.02A and 106-014.02B; and
 - c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character.
2. Documentation: The applicant must submit the following documentation with the application:
 - a. Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;
 - b. Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - c. Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial;
 - d. Conviction Information: If the applicant has been convicted of a

felony or misdemeanor, the applicant must submit to the Department:

- (1) A list of any misdemeanor or felony convictions;
- (2) A copy of the court record, which includes charges and disposition;
- (3) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
- (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
- (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
- (6) Any other information as requested by the Board/Department; and

3. The renewal fee according to 172 NAC 2.

106-014.02A Waivers for Military Activity: A credential holder who has served in the regular armed forces of the United States during part of the credentialing period immediately preceding the renewal date, or is actively engaged in military service as defined in 172 NAC106-002, item 33, is not required to pay the renewal fee or meet the continuing competency requirements if acceptable documentation is submitted to the Department. The individual must document his/her military activity by submitting to the Department:

1. Military identification proving that s/he is in active service;
2. Military orders; or
3. A letter from his/her Commanding Officer indicating that s/he is on active duty.

Upon receipt of acceptable documentation, the Department will waive the fee and the continuing education requirements and renew the credential. The credential will remain active until the next renewal period.

106-014.02B Waiver of Continuing Competency Requirements: The Department waives continuing competency requirements for individuals who were first credentialed within the 24-month period immediately preceding the renewal date.

106-014.02C Audit of Continuing Competency Requirements: The Department or the Board may biennially select, in a random manner, a sample of the renewal applications for audit of continuing competency requirements. Each credential holder selected for audit must produce documentation of the continuing competency activities.

106-014.02C1 The Department/Board will notify each selected credential

holder by mail. Failure to notify the Department of a current mailing address will not absolve the credential holder from the requirement for audit.

106-014.02C2 Within 30 days, each selected credential holder must respond by submitting documentation that s/he has met the requirements for continuing competency. An extension beyond 30 days for submission of the documentation may be granted at the discretion of the Department.

106-014.02C3 Acceptable documentation that the credential holder has met the continuing competency requirements include copies of:

1. Certificates of attendance;
2. Attendance rosters;
3. Transcripts or grade reports;
4. Letters from sponsors of continuing education verifying attendance; or
5. Other similar documentation.

106-004.02C4 The Department/Board will review the submitted documentation to determine if the credential holder has met the requirements for continuing competency activities for renewal of the credential. Only documented activities/hours that meet the continuing competency requirements will be counted toward the total requirements for renewal.

106-014.02C5 The Department/Board will notify the credential holder upon satisfactory completion of the audit.

106-014.02C6 The credential of any person who fails to comply with the conditions of the audit will expire 30 days after notice and an opportunity for a hearing.

106-014.02C7 The Board reserves the right to audit continuing competency requirements of any credential holder by notifying the credential holder and requesting that s/he produce the required documentation of attendance at or participation in acceptable continuing competency programs within 30 days of mailing.

106-014.03 Department Review: The Department will act within 150 days upon all completed applications for renewal.

106-014.03A False Information: The Department may refuse to renew a credential for falsification of any information submitted for renewal of a credential. The refusal will be made according to 184 NAC 1, the Department's Rules of Practice and Procedure.

106-014.04 Address Information: Each credential holder must notify the Department of any change to the address of record.

106-014.05 Expiration of a Credential: A credential expires if a credential holder fails to:

1. Notify the Department that s/he wants to place his/her credential on inactive status upon its expiration;
2. Meet the requirements for renewal on or before the date of expiration of his/her credential; or
3. Otherwise fails to renew his/her credential.

106-014.05A Failure to Renew: A credential automatically expires without further notice or opportunity for hearing if a credential holder fails by the expiration date of the credential to either:

1. Submit documentation of continuing competency; or
2. Pay the required renewal fee.

106-014.05B Failure to Meet Continuing Competency Requirements: The Department will refuse to renew a credential, after notice and opportunity for hearing, if a credential holder fails to meet the continuing competency requirements for renewal by the expiration date of the credential.

106-014.05C Right to Practice: When an individual's credential expires, the right to represent him/herself as a credential holder and to practice nursing home administration expires.

106-014.05D Practice after Expiration: An individual who practices after expiration of his/her credential is subject to assessment of an administrative penalty under 172 NAC 106-018 or such other action as provided in the statutes and regulations governing the credential.

106-014.05E Reinstatement of an Expired Credential: If a credential holder wants to resume the practice of nursing home administration after failing to renew his/her credential by the expiration date, s/he must apply to the Department for reinstatement as specified in 172 NAC 106-017.

106-014.06 Inactive Status: When an individual wants to have his/her credential placed on inactive status upon expiration, s/he must notify the Department in writing. There is no fee to have a credential placed on inactive status and continuing competency is not required.

106-014.06A Request for Inactive Status: When the Department has received notification that an individual wants to have his/her credential placed on inactive status, the Department will notify the credential holder in writing of the acceptance or denial of the request.

106-014.06B Placement on Inactive Status: When an individual's credential is placed on inactive status, the credential holder must not engage in the practice of nursing home administration, but may represent him/herself as having an inactive credential.

106-014.06C Return to Active Status: A credential may remain on inactive status for an indefinite period of time. An individual who wants to have his/her credential returned to active status must apply to the Department for reinstatement and meet the requirements specified in 172 NAC106-015.

106-015 DISCIPLINARY ACTIONS

105-015.01 Grounds for Action Against a Credential: A credential to practice a profession may have disciplinary actions taken against it on any of the following grounds:

1. Misrepresentation of material facts in procuring or attempting to procure a credential;
2. Immoral or dishonorable conduct evidencing unfitness to practice the profession in this state;
3. Abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance;
4. Failure to comply with a treatment program or an aftercare program, including, but not limited to, a program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. § 38-175;
5. Conviction of:
 - a. A misdemeanor or felony under Nebraska law or federal law, or
 - b. A crime in any jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska law and which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession;
6. Practice of the profession:
 - a. Fraudulently,
 - b. Beyond its authorized scope,
 - c. With gross incompetence or gross negligence, or
 - d. In a pattern of incompetent or negligent conduct;
7. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability;
8. Physical or mental incapacity to practice the profession as evidenced by a legal judgment or a determination by other lawful means;
9. Illness, deterioration, or disability that impairs the ability to practice the profession;
10. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a credential by a person not credentialed to do so;
11. Having had his/her credential denied, refused renewal, limited, suspended, revoked, or disciplined in any manner similar to 172 NAC 106-015.05 by another state or jurisdiction based upon acts by the applicant or credential holder similar to acts described in this part;
12. Use of untruthful, deceptive, or misleading statements in advertisements;

13. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
14. Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;
15. Violations of the Uniform Credentialing Act or the rules and regulations relating to the particular profession;
16. Unlawful invasion of the field of practice of any profession regulated by the Uniform Credentialing Act which the credential holder is not credentialed to practice;
17. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act;
18. Failure to file a report required by Neb. Rev. Stat. §§ 38-1,124 or 38-1,125;
19. Failure to maintain the requirements necessary to obtain a credential;
20. Violation of an order issued by the Department;
21. Violation of an assurance of compliance entered into under Neb. Rev. Stat. § 38-1,108;
22. Failure to pay an administrative penalty;
23. Unprofessional conduct as defined in 172 NAC 106-015.02; or
24. Violation of the Automated Medication Systems Act.

106-015.02 Unprofessional Conduct: Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest, including but not limited to:

1. Receipt of fees on the assurance that an incurable disease can be permanently cured;
2. Division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a consumer other than:
 - a. With a partner or employee of the applicant or credential holder or his/her office or clinic;
 - b. With a landlord of the applicant or credential holder pursuant to a written agreement that provides for payment of rent based on gross receipts;
 - c. With a former partner or employee of the applicant or credential holder based on a retirement plan or separation agreement; or
 - d. By a person credentialed pursuant to the Water Well Standards and Contractors' Practice Act.
3. Obtaining any fee for professional services by fraud, deceit, or misrepresentation, including, but not limited to, falsification of third-party claim documents;
4. Cheating on or attempting to subvert the credentialing examination;
5. Assisting in the care or treatment of a consumer without the consent of the consumer or his/her legal representative;
6. Use of any letters, words, or terms, either as a prefix, affix, or suffix, on

- stationery, in advertisements, or otherwise, indicating that the person is entitled to practice a profession for which s/he is not credentialed;
7. Performing, procuring, or aiding and abetting in the performance or procurement of a criminal abortion;
 8. Knowingly disclosing confidential information except as otherwise permitted by law;
 9. Commission of any act of sexual abuse, misconduct, or exploitation related to the practice of the profession of the applicant or credential holder;
 10. Failure to keep and maintain adequate records of treatment or service;
 11. Prescribing, administering, distributing, dispensing, giving, or selling any controlled substance or other drug recognized as addictive or dangerous for other than a medically accepted therapeutic purpose;
 12. Prescribing any controlled substance to:
 - a. Oneself; or
 - b. Except in the case of a medical emergency;
 - (1) One's spouse;
 - (2) One's child;
 - (3) One's parent;
 - (4) One's sibling; or
 - (5) Any other person living in the same household as the prescriber;
 13. Failure to comply with any federal, state, or municipal law, ordinance, rule, or regulation that pertains to the applicable profession;
 14. Disruptive behavior, whether verbal or physical, which interferes with consumer care or could reasonably be expected to interfere with the care; and
 15. Nursing home administrator behavior (acts, knowledge, and practices) which fails to conform to the accepted standards of the nursing home administrator profession constitutes unprofessional conduct and includes but is not limited to:
 - a. Failure to utilize appropriate judgment in administering safe nursing home practices;
 - b. Failure to exercise competence in carrying out nursing home administration;
 - c. Failure to follow policies or procedures implemented in the practice situation to safeguard patient or resident care;
 - d. Failure to safeguard the patient's or resident's dignity and right to privacy;
 - e. Violating the confidentiality of information or knowledge concerning the patient or resident;
 - f. Mentally, verbally, or physically abusing patients or residents.
 - g. Failure to seek proper education and preparation for new nursing home administrator techniques or procedures;
 - h. Falsifying patient's or resident's records;
 - i. Misappropriation of medications, supplies or personal items of the patient or resident or agency;

- i. Violating state or federal laws relative to drugs or forging prescriptions or by making drugs available to self, friends, or family member;
- k. Falsifying records submitted to the Board of Nursing Home Administration, the State Department of Health and Human Services, or other State Agency;
- l. Committing any act which endangers patient or resident welfare or safety;
- m. Failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional;
- n. Leaving a nursing home administrator assignment or post without properly notifying appropriate substitute personnel;
- o. Failure to report through the proper channels the incompetent, unethical, or illegal practice of any person who is providing or who is purporting to provide health care;
- p. Altering a license by changing the expiration date, license number or any other information appearing on the license;
- q. Intentional falsification of material facts in a material document connected with the practice of nursing home administration.
- r. Violating any term of probation, condition, or limitation imposed on the licensee by the Board or Department;
- s. Sexual contact or engaging in any other activities of a sexual nature with a patient. Non-consensual sexual contact with a fellow employee.
- t. Failure to file a report required by Neb. Rev. Stat. § 38-1,124 of the Uniform Credentialing Act; and
- u. Having a license or certificate in a related health care discipline in the State of Nebraska or in another state denied, refused renewal, revoked, or suspended for any one or more of the preceding actions or conduct.

106-015.03 Temporary Suspension or Limitation

106-015.03A The Department may temporarily suspend or temporarily limit any credential issued by the Department without notice or a hearing if the Director determines that there is reasonable cause to believe that grounds exist under 172 NAC 106-015.01 for the revocation, suspension, or limitation of the credential and that the credential holder's continuation in practice or operation would constitute an imminent danger to the public health and safety. Simultaneously with the action, the Department will institute proceedings for a hearing on the grounds for revocation, suspension, or limitation of the credential. The hearing will be held no later than 15 days from the date of the temporary suspension or temporary limitation of the credential.

106-015.03B A continuance of the hearing will be granted by the Department upon the written request of the credential holder, and the continuance must not exceed 30 days unless waived by the credential holder. A temporary suspension or temporary

limitation order by the Director will take effect when served upon the credential holder.

106-015.03C A temporary suspension or temporary limitation of a credential under 172 NAC 106-015.03 will not be in effect for more than 90 days unless waived by the credential holder. If a decision is not reached within 90 days, the credential will be reinstated unless and until the Department reaches a decision to revoke, suspend, or limit the credential or otherwise discipline the credential holder.

106-015.04 Department Action: The Department will follow the procedures delineated in the Uniform Credentialing Act to notify credential holders of any disciplinary action to be imposed and the time and place of the hearing.

106-015.05 Sanctions: Upon the completion of any hearing held regarding discipline of a credential, the Director may dismiss the action or impose the following sanctions:

1. Censure;
2. Probation;
3. Limitation;
4. Civil Penalty;
5. Suspension; or
6. Revocation.

106-015.05A Additional Terms and Conditions of Discipline: If any discipline is imposed pursuant to 172 NAC 106-015.05, the Director may, in addition to any other terms and conditions of that discipline:

1. Require the credential holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral or both and may be a practical or clinical examination or both or any or all of the combinations of written, oral, practical, and clinical, at the option of the Director;
2. Require the credential holder to submit to a complete diagnostic examination by one or more physicians or other qualified professionals appointed by the Director. If the Director requires the credential holder to submit to an examination, the Director will receive and consider any other report of a complete diagnostic examination given by one or more physicians or other qualified professionals of the credential holder's choice if the credential holder chooses to make available the report or reports by his/her physician or physicians or other qualified professionals; and
3. Limit the extent, scope, or type of practice of the credential holder.

106-016 VOLUNTARY SURRENDER OR LIMITATION: A credential holder may offer to voluntarily surrender or limit a credential issued by the Department. The credential holder must make the offer in writing on a form provided by the Department or constructed by the credential holder, which must include the following information:

1. Personal Information:
 - a. First, middle and last name;
 - b. Mailing address (street, rural route, or post office address), city, state, and zip code;
 - c. Telephone number; and
 - d. Fax number;
2. Information Regarding the Credential Being Offered for Surrender or Limitation:
 - a. List credential(s) and credential number(s) that would be surrendered or limited;
 - b. Indicate the desired time frame for offered surrender or limitation:
 - (1) Permanently;
 - (2) Indefinitely; or
 - (3) Definite period of time (specify);
 - c. Specify reason for offered surrender or limit of credential; and
 - d. Specify any terms and conditions that the credential holder wishes to have the Department consider and apply to the offer; and
3. Attestation: The credential holder must:
 - a. Attest that all the information on the offer is true and complete; and
 - b. Provide the credential holder's signature and date.

106-016.01 The Department may accept an offer of voluntary surrender or limitation of a credential based on:

1. An offer made by the credential holder on his/her own volition;
2. An offer made with the agreement of the Attorney General or the legal counsel of the Department to resolve a pending disciplinary matter;
3. A decision by the Attorney General to negotiate a voluntary surrender or limitation in lieu of filing a petition for disciplinary action; or
4. A decision by the legal counsel of the Department to negotiate a voluntary surrender or limitation in response to a notice of disciplinary action.

106-016.02 The Department may reject an offer of voluntary surrender of a credential under circumstances which include, but are not limited to, when the credential:

1. Is under investigation;
2. Has a disciplinary action pending but a disposition has not been rendered; or
3. Has had a disciplinary action taken against it.

106-016.03 When the Department either accepts or rejects an offer of voluntary surrender or limitation, the Director will issue the decision in a written order. The order will be issued within 30 days after receipt of the offer of voluntary surrender or limitation and will specify:

1. Whether the Department accepts or rejects the offer of voluntary surrender; and
2. The terms and conditions under which the voluntary surrender is accepted or the basis for the rejection of an offer of voluntary surrender. The terms and conditions governing the acceptance of a voluntary surrender will include, but not be limited to:
 - a. Duration of the surrender;
 - b. Whether the credential holder may apply to have the credential reinstated; and
 - c. Any terms and conditions for reinstatement.

106-016.04 A limitation may be placed on the right of the credential holder to practice a profession or operate a business to the extent, for the time, and under the conditions as imposed by the Director.

106-016.05 Violation of any of the terms and conditions of a voluntary surrender or limitation by the credential holder will be due cause for the refusal of renewal of the credential, for the suspension or revocation of the credential, or for refusal to restore the credential.

106-016.06 Reinstatement following voluntary surrender is set out in 172 NAC 106-017.

106-017 REINSTATEMENT: This section applies to individuals previously credentialed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska credential. Individuals may apply for reinstatement as follows:

1. An individual whose credential has expired, been placed on inactive status, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons, may apply for reinstatement at any time.
2. An individual whose credential has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.
3. An individual whose credential has been revoked may apply for reinstatement only after a period of two years has elapsed from the date of revocation.
4. An individual whose credential has been permanently voluntarily surrendered may not apply for reinstatement.

The voluntary surrender of a credential may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.

106-017.01 Reinstatement From Expired or Inactive Status or Following Voluntary Surrender Unrelated to a Disciplinary Matter: The applicant must submit to the Department:

1. A written application on a form provided by the Department or constructed by the applicant which must contain the following information about the applicant:

- a. Name;
 - b. Address;
 - c. The applicant's:
 - (a) Social Security Number (SSN); or
 - (b) Alien Registration Number (A#); or
 - (c) Form I-94 (Arrival-Departure Record) number.Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. Attestation that the continuing competency requirements for renewal have been met;
 - f. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active. If the applicant has been convicted of a felony or misdemeanor, s/he must provide copies of:
 - (a) The court record, which includes charges and disposition;
 - (b) Arrest records;
 - (c) A letter from the applicant explaining the nature of the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of any treatment obtained; and
 - (e) A letter from the probation officer addressing probationary conditions and current status if the applicant is currently on probation;
 - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential the applicant wishes to reinstate was active. If any disciplinary action was taken against the applicant's credential by another state, the applicant must submit a copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant;
2. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential; and
 3. The following fee(s):
 - a. If the credential is expired or inactive, the reinstatement and renewal fees; or
 - b. If the credential was voluntarily surrendered, the renewal fee.

106-017.01A If an applicant has practiced while his/her credential was expired, inactive, or voluntarily surrendered, the Department may, with the recommendation of the Board, take one or more of the following actions:

1. Assess an administrative penalty pursuant to 172 NAC 106-018, in which case a separate notice of opportunity for hearing will be sent to the applicant;
2. Deny the application to reinstate the credential;
3. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or
4. Reinstate the credential.

106-017.01B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Deny the application for reinstatement of the credential;
2. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or
3. Reinstate the credential.

106-017.01C The Department will act within 150 days on all completed applications.

106-017.01D The Department's decision may be appealed to the Director by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.

106-017.02 Reinstatement from Non-Disciplinary Revocation or Lapsed Status: An individual whose credential was placed on non-disciplinary revocation or lapsed status before December 1, 2008 may apply for reinstatement as provided in 172 NAC 106-017.01.

106-017.03 Reinstatement Following Suspension, Limitation, Revocation, or Voluntary Surrender to Resolve a Pending Disciplinary Matter, In Lieu of Discipline, or In Response to a Notice of Disciplinary Action: An individual whose credential was suspended or limited may apply for reinstatement at any time. An individual whose credential has been revoked may apply for reinstatement after a period of two years has elapsed from the date of revocation. An individual whose credential was voluntarily surrendered may apply for reinstatement based on the provisions in the order accepting the voluntary surrender.

The applicant must submit to the Board:

1. A written application on a form provided by the Department or constructed by the applicant, which must contain the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. The applicant's:
 - (a) Social Security Number (SSN); or

- (b) Alien Registration Number (A#); or
 - (c) Form I-94 (Arrival-Departure Record) number.
- Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
- d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. If the applicant's credential has expired during the time the credential was suspended, limited, revoked, or voluntarily surrendered, attestation of meeting the continuing competency requirements for renewal;
 - f. A statement of the reason the applicant believes his/her credential should be reinstated;
 - g. Written recommendations from at least two individuals each having personal knowledge of the activities of the applicant since the credential was suspended, limited, revoked, or voluntarily surrendered. Recommendations from household members or relatives are not acceptable;
 - h. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was suspended, limited, revoked, or voluntarily surrendered. If the applicant has been convicted of a felony or misdemeanor, s/he must provide copies of:
 - (a) Court Record, which includes charges and disposition;
 - (b) Arrest records;
 - (c) A letter from the applicant explaining the nature of the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of any treatment obtained; and
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (2) Revocations, suspension, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential the applicant wishes to reinstate was suspended, limited, revoked, or voluntarily surrendered. If any disciplinary action was taken against the applicant's credential by another state, the applicant must submit a copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant;
2. Attestation by the applicant:
- a. That s/he has not practiced in Nebraska since s/he last held an active credential; or

- b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential; and
3. The renewal fee.

106-017.03A If an applicant has practiced while his/her credential was suspended, limited, revoked, or voluntarily surrendered, the Department may take one or more of the following actions:

1. Assess an administrative penalty pursuant to 172 NAC 106-018, in which case a separate notice of opportunity for hearing will be sent to the applicant;
2. Deny the application to reinstate the credential;
3. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or
4. Reinstate the credential.

106-017.03B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Deny the application for reinstatement of the credential;
2. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; or
3. Reinstate the credential.

106-017.03C The Board will make a recommendation regarding reinstatement following suspension, limitation, revocation, or voluntary surrender within 180 days of receipt of the application. The Department, with the recommendation of the Board, may:

1. Conduct an investigation to determine if the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. § 38-178;
2. Require the applicant to submit to a complete diagnostic examination, at the expense of the applicant, by one or more physician(s) or other professionals appointed by the Board. The applicant may also consult a physician(s) or other professionals of his/her own choice for a complete diagnostic examination and make available a report(s) of the examination(s) to the Department and to the Board;
3. Require the applicant to pass a written, oral, or practical examination or any combination of examinations at the expense of the applicant;
4. Require the applicant to successfully complete additional education at the expense of the applicant;
5. Require the applicant to successfully pass an inspection of his/her practice site; or
6. Take any combination of these actions.

106-017.03D On the basis of the information obtained under 172 NAC 106-017.03C, the Board may:

1. Deny the application for reinstatement; or
2. Recommend to the Department:
 - a. Full reinstatement of the credential;
 - b. Modification of the suspension or limitation; or
 - c. Reinstatement subject to limitations or subject to probation with terms and conditions.

106-017.03E An affirmative vote of a majority of the full membership of the Board as authorized by statute is required to recommend reinstatement of a credential with or without terms, conditions, or restrictions.

106-017.03F If the Board's decision is to deny the application for reinstatement, notification of the Board's decision will be mailed to the applicant by certified mail. The decision of the Board will become final 30 days after the decision is mailed to the applicant unless the applicant requests a hearing within that 30-day period.

1. If the applicant has been afforded a hearing or an opportunity for a hearing on an application for reinstatement within two years before filing the current application, the Department may grant or deny the application without another hearing before the Board.
2. If the applicant requests a hearing before the Board, the Department will mail a notice of the date, time, and location of the hearing. The notice will be sent by certified mail at least 30 days before the hearing.
3. Following the hearing, if the Board's decision is denial of the application for reinstatement, the applicant will be notified by certified mail.
4. The applicant may appeal the Board's denial to District Court in accordance with the Administrative Procedure Act.

106-017.03G If the Board recommends full reinstatement of the credential, modification of the suspension or limitation, or reinstatement of the credential subject to limitations or subject to probation with terms and conditions, the Board's recommendation will be sent to the applicant by certified mail. The following information will be forwarded to the Director for a decision:

1. The written recommendation of the Board, including any finding of fact or order of the Board;
2. The application for reinstatement;
3. The record of hearing, if any; and
4. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the applicant.

106-017.03H The Director will review the application and other documents and make a decision within 150 days of receipt of the Board's recommendation and

accompanying documents. The Director may:

1. Affirm the recommendation of the Board and grant reinstatement; or
2. Reverse or modify the recommendation if the Board's recommendation is:
 - a. In excess of statutory authority;
 - b. Made upon unlawful procedure;
 - c. Unsupported by competent, material, and substantial evidence in view of the entire record; or
 - d. Arbitrary or capricious; and
3. Enter an order setting forth the decision regarding reinstatement of the applicant's credential. The order will be sent to the applicant by certified mail.

106-017.03I The Director's decision may be appealed to District Court by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.

106-018 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists of practice without a credential to practice a profession or operate a business. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

106-018.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without being credentialed:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, or treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice; and
6. The person opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation, prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

106-018.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess the penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice will specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
 - d. That the Department will within 30 days following receipt of payment of the administrative penalty, remit the penalty to the State Treasurer to be disposed of in accordance with Article VII, section 5 of the Constitution of Nebraska; and
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property. The Department may also collect in such action attorney's fees and costs incurred directly in the collection of the administrative penalty.

2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

106-018.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

106-019 FEES: Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified.

THESE AMENDED RULES AND REGULATIONS Replace 172 NAC 106 Nursing Home Administrators, effective October 3, 2004. Additional amendments are effective **8/7/2010**.

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