PREAMENDED

This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading

LLS NO. 12-0605.01 Christy Chase x2008 | **SENATE BILL 12-091**

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Bradford,

Senate Committees
Health and Human Services
Appropriations

House Committees
Health and Environment

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO PROVISIONS GOVERNING THE**
102 **PRACTICE OF NURSING HOME ADMINISTRATION, AND, IN**
103 **CONNECTION THEREWITH, MODIFYING THE CRITERIA FOR**
104 **NURSING HOME ADMINISTRATORS TO QUALIFY TO SERVE ON THE**
105 **BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS,**
106 **MODIFYING THE EXPERIENCE REQUIREMENTS FOR PERSONS**
107 **APPLYING TO TAKE THE NURSING HOME ADMINISTRATOR**
108 **LICENSURE EXAMINATION OR TO PARTICIPATE IN THE**
109 **ADMINISTRATOR-IN-TRAINING PROGRAM, AND PERMITTING A**
110 **NURSING HOME ADMINISTRATOR WHO HAS PASSED A NATIONAL**
111 **EXAMINATION AND AN EXAMINATION IN ANOTHER STATE TO SIT**
112 **FOR THE COLORADO LICENSURE EXAMINATION.**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 29, 2012

SENATE
Amended 2nd Reading
February 28, 2012

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

In order to qualify to serve on the board of examiners of nursing home administrators (board), current law requires nursing home administrator (NHA) members to be engaged in particular areas of discipline in the profession and to have been actively engaged in the profession for at least 5 years. **Section 1** of the bill eliminates the requirement that NHAs practice in a specific discipline area in order to serve on the board. **Section 2** reduces the period during which an NHA must be engaged in the profession to 3 years.

An NHA applying to take the NHA licensure examination must have either successfully completed the administrator-in-training (AIT) program; completed a bachelor's degree in public health administration; or completed an associate's degree in a health care-related field and have at least 2 years experience in administration in a nursing home or hospital. Under board rules, to satisfy the experience-in-administration component, an applicant must be supervising and exercising reasonable control over at least 5 subordinates. **Section 3** reduces the number of subordinates that an applicant must supervise to 3 subordinates and reduces the required amount of experience from 2 years to one year. Section 3 also requires the board to allow an NHA who has passed both a national NHA examination and an examination in another state to take the Colorado licensure examination.

Finally, current law requires an AIT program participant to complete 2,000 hours of training before he or she is eligible to take the NHA licensure examination. **Section 4** reduces the required training period to 500 hours.

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

2   **SECTION 1.** In Colorado Revised Statutes, 12-39-104, **amend**

3   (1) (a) introductory portion, (1) (a) (I), and (2) as follows:

4   **12-39-104.   Board   of   examiners   of   nursing   home**

5   **administrators - creation - subject to termination.** (1) (a) ~~There is~~

1   hereby created a THE board of examiners of nursing home administrators

2   IS HEREBY CREATED in the division of registrations in the department of

3   regulatory agencies. which THE board shall be IS composed of the

4   following members appointed by the governor:

5   (I) Three members shall be WHO ARE practicing nursing home

6   administrators duly licensed under this article, and AT LEAST ONE OF

7   WHOM shall be from the following areas of discipline, with no two

8   members from the same area:

9   (A) Hospital administration;

10   (B) nonprofit facility administration.

11   (C) Proprietary facility administration; or

12   (D) Continuum of care administration;

13   (2) (a) THE GOVERNOR SHALL MAKE appointments to the board.

14   shall be made by the governor IN MAKING AN APPOINTMENT TO FILL A

15   VACANCY ON THE BOARD IN THE POSITION OF, OR TO FILL THE REMAINDER

16   OF AN UNEXPIRED TERM FOR, A NURSING HOME ADMINISTRATOR WHO IS

17   FROM   NONPROFIT   FACILITY   ADMINISTRATION,   AS   REQUIRED   BY

18   SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS

19   SECTION, IF THE GOVERNOR, AFTER A GOOD-FAITH ATTEMPT, IS UNABLE TO

20   FIND A NURSING HOME ADMINISTRATOR CANDIDATE WHO COMES FROM

21   NONPROFIT FACILITY ADMINISTRATION TO FILL THE VACANCY OR

22   COMPLETE THE UNEXPIRED TERM, THE GOVERNOR MAY APPOINT ANY

23   QUALIFIED NURSING HOME ADMINISTRATOR TO COMPLETE THE UNEXPIRED

24   TERM OR FILL THE VACANCY IN THAT BOARD POSITION. IF THE

25   APPOINTMENT IS TO FILL A VACANCY, THE BOARD MEMBER MAY SERVE

26   THE FULL TERM AND IS ELIGIBLE FOR APPOINTMENT FOR A SECOND TERM.

27   (b) The governor may remove any board member for negligence,

1   incompetency, unprofessional conduct, or willful misconduct. Actions

2   constituting neglect of duty ~~shall~~ include but ARE not ~~be~~ limited to three

3   unexcused absences from scheduled meetings in any one calendar year.

4   ~~Appointments to fill vacancies shall be made~~ THE GOVERNOR SHALL FILL

5   A VACANCY IN THE MEMBERSHIP OF THE BOARD for the remainder of the

6   unexpired term. A member who is a practicing nursing home

7   administrator or long-term care professional shall serve for a full term

8   only if, during such term, such member is actively employed as a

9   practicing member of his or her profession without a lapse of employment

10   greater than one hundred twenty days.

11   **SECTION 2.** In Colorado Revised Statutes, 12-39-104.5, **amend**

12   (1) as follows:

13   **12-39-104.5. Qualifications of board members.** (1) A nursing

14   home administrator ~~shall be~~ IS qualified to be appointed to the board if

15   ~~such~~ THE person:

16   (a) Is a legal resident of Colorado;

17   (b) Is currently licensed as a nursing home administrator; AND

18   (c)   Has been actively engaged as a licensed nursing home

19   administrator for at least ~~five~~ THREE years.

20   **SECTION 3.** In Colorado Revised Statutes, 12-39-106, **amend**

21   (1) as follows:

22   **12-39-106.   Qualifications for admission to examination.**

23   (1) The board shall admit to examination for licensure as a nursing home

24   administrator any applicant who pays a fee as determined by the board,

25   who submits evidence of suitability prescribed by the board, who is

26   twenty-one years of age or older, and who provides written

27   documentation that the applicant meets one of the following

1   requirements:

2   (a)   The applicant has successfully completed the

3   administrator-in-training program pursuant to section 12-39-107; or

4   (b) The applicant has successfully completed a bachelor's degree

5   OR HIGHER DEGREE in public health administration OR health

6   administration, A MASTER'S DEGREE IN MANAGEMENT OR BUSINESS

7   ADMINISTRATION, or any degree or degrees deemed appropriate by the

8   board; or

9   (c) (I) The applicant has successfully completed an associate's

10 degree or higher degree in a health care-related field OR A BACHELOR'S

11 DEGREE IN BUSINESS OR PUBLIC ADMINISTRATION and has a minimum of

12 two years ONE YEAR OF experience in administration in a nursing home

13 or hospital. For the purposes of this section, a registered nurse who is a

14 graduate of a three-year diploma program shall be considered to have met

15 MEETS the associate degree requirement.

16   (II)   FOR PURPOSES OF THE EXPERIENCE REQUIRED BY THIS

17 PARAGRAPH (c), AN APPLICANT MUST HAVE DAY-TO-DAY, ON-SITE

18 RESPONSIBILITY FOR SUPERVISING, DIRECTING, MANAGING, MONITORING,

19 OR EXERCISING REASONABLE CONTROL OVER __ SUBORDINATES FOR ONE

20 YEAR.

21

22   **SECTION 4.** In Colorado Revised Statutes, 12-39-107, **amend**

23 (1) as follows:

24   **12-39-107. Administrator-in-training.** (1) THE BOARD MAY

25 GRANT ADMISSION INTO THE NURSING HOME ADMINISTRATOR-IN-TRAINING

26 PROGRAM TO an applicant for a nursing home administrator's license who

27 meets the board's criteria for education and experience, pursuant to

1   section 12-39-107.5. ~~may be granted admission into the nursing home~~
2   ~~administrator-in-training program.~~ Upon successful completion of the
3   ~~two-thousand-hour~~ ONE-THOUSAND-HOUR training period, ~~said~~ THE
4   applicant ~~shall be~~ IS eligible to take the examination.

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

7   **12-39-110. Endorsement.** (1) (a) The board shall issue a license
8   to any person duly licensed to practice nursing home administration in
9   another state or territory of the United States ~~who possesses credentials~~
10   ~~and qualifications which are substantially equivalent to the requirements~~
11   ~~of section 12-39-106 and~~ who:

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

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

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

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

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

1   this act or an item, section, or part of this act within the ninety-day period

2   after final adjournment of the general assembly, then the act, item,

3   section, or part will not take effect unless approved by the people at the

4   general election to be held in November 2012 and, in such case, will take

5   effect on the date of the official declaration of the vote thereon by the

6   governor.