



**Rules of
Department of Health
and Senior Services
Division 73—Missouri Board of
Nursing Home Administrators
Chapter 2—General Rules**

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**Title 19—DEPARTMENT OF
HEALTH AND SENIOR SERVICES
Division 73—Missouri Board of
Nursing Home Administrators
Chapter 2—General Rules**

19 CSR 73-2.010 Definitions

PURPOSE: This rule clearly defines terms as used in Chapter 344, RSMo and in these rules.

(1) Clock hour shall mean sixty (60) minutes of formal instruction by an approved presenter.

(2) Continuing education means post-licensure education in health-care administration undertaken to maintain professional competency to practice nursing home administration, improve administrative skills and effect standards of excellence in the interest of safety, health and welfare of the people served.

(3) Education in health-care administration shall mean the completion of a course of instruction designed to teach the elements of health-care facility administration and management, including training regarding the protection of the rights of residents or patients in health-care facilities.

(4) Examination shall mean a written examination, an oral examination, or both.

(5) "Experience in health-care administration" shall mean having management responsibility, which shall include the on-site supervision of at least three (3) staff persons in a licensed long-term care or acute care facility or a licensed inpatient mental health facility, or a department of one of these facilities.

(6) Health-care facility shall mean a licensed long-term care or acute-care facility or a facility licensed as an inpatient mental health facility.

(7) Resident shall mean a person residing in a long-term health-care facility.

(8) Training agency shall mean—

(A) An accredited educational institution; or

(B) A statewide or national membership agency, association, professional society or organization in the fields of health care or management approved by the board to provide courses of instruction and training.

AUTHORITY: section 344.070, RSMo Supp. 1997.* This rule was previously filed as 13 CSR 73-2.010. Original rule filed March 5, 1974, effective March 15, 1974. Rescinded and readopted: Filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed April 14, 1983, effective July 11, 1983. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed April 30, 1998, effective Oct. 30, 1998. Moved to 19 CSR 73-2.010, effective March 3, 2003.

*Original authority: 344.070 RSMo 1969, amended 1979, 1993, 1995.

19 CSR 73-2.015 Fees

PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapter 344, RSMo.

(1) The following fees are required by the Board of Nursing Home Administrators:

(A) Application Review Fee (including reciprocity)	\$150
(B) State Exam Fee	\$100
(C) License Renewal Fee	
1. One-year license	\$ 50
2. Two-year license	\$100
3. Inactive License	\$ 50
(D) License Renewal Late Penalty Fee (This fee is in addition to the renewal fee listed in subsection (1)(C))	\$ 25
(E) Inactive License Fee	\$ 50
(F) Reactivate Inactive License Fee	\$100
(G) Retired License Fee	\$ 50
(H) Duplicate License Fee	\$ 10
(I) Single Offering Fee (per requested clock hour)	\$ 15
(J) Single Offering Late Filing Fee	\$ 50
(K) Insufficient Funds Charge	\$ 25

(2) Fees must be made payable to the Department of Health and Senior Services in the form of a cashier's check, company check or money order.

(3) All fees are nonrefundable.

(4) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 344.070, RSMo Supp. 2007.* This rule was previously filed as 13 CSR 73-2.015. Original rule filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed March 4, 1993, effective Aug. 9, 1993. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expired June 7, 2000. Amended: Filed Nov. 1, 1999, effective April 30, 2000. Emergency amendment filed Nov. 30, 2001, effective Jan. 1, 2002, expired June 29, 2002. Amended: Filed Nov. 30, 2001, effective June 30, 2002. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 15, 2005, effective July 30, 2006. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.

*Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.

19 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators

PURPOSE: This rule specifies the minimum requirements for licensure as a nursing home administrator in Missouri.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Every applicant shall obtain an application form from the board. The application form, MO 580-2578 (4-04), Application for Licensure, is incorporated by reference in this rule and is available on the web at www.dhss.mo.gov/BNHA or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions. The application shall be completed and returned to the board with a nonrefundable application fee of one hundred fifty dollars (\$150) made payable to the Department of Health and Senior Services. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

(2) The completed application form shall provide satisfactory proof that the applicant has



met the following minimum requirements for Missouri licensure:

- (A) Twenty-one (21) years of age or over;
- (B) A high school diploma or equivalent;
- (C) Of good moral character;
- (D) Has not been convicted of any crime, an essential element of which is fraud, dishonesty or moral turpitude, or which involves the operation of a long-term care facility or other health-care facility, whether or not sentence is imposed. A copy of the record of conviction or plea of guilty or nolo contendere shall be conclusive evidence of the conviction; and

(E) Experience and/or education from an accredited educational institution in one (1) of the following areas:

1. Experience: A minimum of three (3) years of experience in health-care administration, full-time equivalency; or

2. Education:

A. Associate degree in health-care administration, including a minimum of twenty-one (21) semester hours of course work directly in health-care administration; or

B. Baccalaureate degree (Bachelor of Science or Bachelor of Arts) in one (1) of the following areas:

- (I) Health-care administration;
- (II) Gerontology (including a long-term care practicum, internship, or both);
- (III) Nursing (BSN or diploma nurse); or

C. Master's degree or beyond in one (1) of the following areas:

- (I) Health-care administration;
- (II) Gerontology (including a long-term care practicum, internship or both);
- (III) Nursing; or

3. Experience and education in one (1) of the following areas:

A. Associate degree AND two (2) years experience in a health-care facility; or

B. Baccalaureate degree (BS or BA) AND one (1) year experience in a health-care facility; or

C. Master's degree or beyond AND one (1) year experience in a health-care facility.

(3) The applicant shall be eligible to take the examinations upon board approval and payment of the required examination fees.

(4) If the board determines the applicant has failed to meet one (1) of the criteria outlined in 19 CSR 73-2.020(2)(E)1.-3., the applicant—

(A) Must complete the course of instruction and training approved by the board pursuant to 19 CSR 73-2.031. The planned curriculum, including a description of each

planned course, must be submitted to the board in writing for PRIOR review and approval. Failure to do so within six (6) months following notification of the board's decision will cause reapplication to become necessary for any future consideration.

(B) May submit additional information for reevaluation if done so no later than two (2) weeks prior to the next board meeting. The applicant will be given notice of the next board meeting date.

AUTHORITY: section 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.020. Original rule filed March 5, 1974, effective March 15, 1974. Rescinded and readopted: Filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed April 14, 1983, effective July 11, 1983. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expired June 7, 2000. Amended: Filed Nov. 1, 1999, effective April 30, 2000. Amended: Filed April 30, 2001, effective Jan. 1, 2002. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.025 Licensure by Reciprocity

PURPOSE: This rule describes the procedures and requirements for reciprocity licensure.

(1) An applicant who holds a current license as a nursing home administrator in any state, territory or the District of Columbia may apply for a license by reciprocity.

(2) The applicant must file an application for licensure, along with a nonrefundable application fee of one hundred fifty dollars (\$150) made payable to the Department of Health and Senior Services, and supply the board with satisfactory evidence that the following requirements have been met:

- (A) Twenty-one (21) years of age or older;
- (B) High school graduate or equivalent (if the applicant has completed additional education beyond high school, an official college transcript must be submitted and may serve as satisfactory evidence of high school graduation);
- (C) Good moral character (Evidence of good moral character can be satisfied by sub-

mitting two (2) letters of reference that contain the names, addresses and telephone numbers of the writers and must show the writers' original signatures and must have been written within six (6) months of the date of application.);

(D) No conviction of any crime, an essential element of which is fraud, dishonesty or moral turpitude, or which involves the operation of a long-term care facility or other health-care facility, whether or not sentence is imposed. A copy of the record of conviction or plea of guilty or nolo contendere shall be conclusive evidence of the conviction; and

(E) Performance as a licensed nursing home administrator in a state, territory or the District of Columbia for at least one (1) year.

(3) Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

(4) A reciprocity questionnaire shall be forwarded by the board to the appropriate state nursing home administrator licensure board(s) where the applicant was/is licensed. Upon return of the completed questionnaire to the board office, the information supplied by the licensure board shall be reviewed to determine if—

(A) The license is current and in good standing; and

(B) The licensee has/had not been disciplined in that state.

(5) Each case of discipline shall be reviewed by the board to determine if the case for discipline falls within the provisions of section 344.050, RSMo.

(6) Upon meeting the requirements of section (2) of this rule and upon board approval, the applicant must pay a one hundred dollar (\$100)-examination fee and successfully complete the state examination administered by the board. The minimum passing score on that examination is seventy-five percent (75%).

(7) If the applicant is unable to meet the requirements of subsection (2)(E) of this rule, but meets all other requirements of section (2), the candidate shall be considered an applicant for initial licensure pursuant to 19 CSR 73-2.020(2)(E). If the results of that evaluation show that the applicant meets the criteria, the board shall accept the applicant's passing of the national examination in another state if it was taken within three (3) years of the applicant's submission for licensure in Missouri. The applicant then must meet the



requirements of section (6) of this rule by paying the examination fee and successfully complete the state examination administered by the board. If the applicant does not meet the criteria, the applicant will be required to complete a prescribed course of instruction and training as outlined in 19 CSR 73-2.031.

(8) Applicants for licensure by reciprocity shall not act or serve in the capacity of a nursing home administrator in this state without first procuring a license from this board as provided in sections 344.010–344.108, RSMo.

AUTHORITY: section 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.025. Original rule filed June 28, 1990, effective Dec. 31, 1990. Emergency amendment filed Feb. 4, 1992, effective Feb. 14, 1992, expired June 12, 1992. Amended: Filed Feb. 14, 1992, effective June 25, 1992. Amended: Filed March 4, 1993, effective Aug. 9, 1993. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.031 Prescribed Course of Instruction and Training

PURPOSE: This rule describes the course of instruction and training that may be prescribed by the board under the authority as set forth in section 344.030.1., RSMo.

(1) Applicants who do not otherwise qualify for examination shall complete one of the following courses of instruction and training. The formal instruction shall be coursework qualifying for academic credit, completed with a grade of not less than “C.” A portion of the formal instruction may be from an intensive and comprehensive seminar of at least forty (40) clock hours specific to nursing home administration which has been approved by the board. An applicant who has completed—

(A) A high school education or the equivalent, must complete three hundred fifteen (315) clock hours of formal instruction and a minimum of two thousand (2,000) clock hours of internship;

(B) A licensed practical nurse program, must complete two hundred twenty-five (225) clock hours of formal instruction and a minimum of eight hundred (800) clock hours of internship;

(C) An associate degree, must complete six hundred forty (640) clock hours of internship;

(D) A three (3) year diploma program or a baccalaureate of science (BS)/baccalaureate of arts (BA), must complete five hundred (500) clock hours of internship; or

(E) A masters or beyond, must complete five hundred (500) clock hours of internship.

(2) The course of instruction and training shall follow the core of knowledge areas and other subject matter as deemed necessary by the board to properly prepare an applicant for health care administration. The core of knowledge shall include, but shall not be limited to, the following subject areas:

(A) Nursing and Physician Services:

1. Restorative nursing;
2. Rehabilitation;
3. Definition, concept and procedures of nursing;

4. Skin and wound care;
5. Infection control procedures;
6. Drug administration and drug effects;
7. Disease recognition and process;
8. Quality assurance;
9. Physician’s role in the facility; and
10. Physician/resident relationships;

(B) Social Services:

1. Resident rights;
2. Living wills and advance directives;
3. Social, emotional, religious, and financial needs of the resident;

4. Family counsel and consultation;
5. Grieving process;
6. Death and dying;
7. Communication with the resident;

and

8. Ombudsman program;

(C) Food Services:

1. Proper nutrition;
2. Therapeutic diets; and
3. Resident satisfaction;

(D) Social and Therapeutic Recreational Activities:

1. Needs of the resident;
2. Community resources;
3. Rehabilitation services;
4. Volunteers and auxiliaries; and
5. Chemical dependency of the resident;

(E) Medical Record Keeping:

1. Medical records systems;
2. Appropriate charting and documentation; and
3. Evaluation and revision of care plans;

(F) Pharmaceutical Services:

1. Proper drug handling and control;
2. Proper drug dispensing; and
3. Drug interactions;

(G) Personnel Management:

1. Maintaining a positive atmosphere;

2. Grievance procedures;
3. Effective communication;
4. Evaluation procedures;
5. Recruitment of staff;
6. Interviewing candidates;
7. Selecting future employees;
8. Staff development and training;
9. Personnel policies and procedures;
10. Health and safety;
11. Departmental organization and management;

12. Professional ethics and conduct;
13. Total quality management; and
14. Health care reform;

(H) Financial Management:

1. Budgeting;
2. Marketing principles;
3. Asset management; and
4. Accounting;

(I) Marketing and Public Relations:

1. Public relation principles;
2. Marketing principles;
3. Newsletters;
4. Community and social organizations;

and

5. Working with the media;

(J) Physical Resource Management:

1. Building and grounds management;
2. Environmental services;
3. Safety procedures and programs; and
4. Fire and disaster plans; and

(K) Laws, Regulatory Codes and Governing Boards:

1. Medicare and Medicaid;
2. Omnibus Budget Reconciliation Act (OBRA);
3. Occupational Safety and Health Administration (OSHA);
4. Americans With Disabilities Act (ADA);

5. Life safety;
6. Legislative process;
7. Board responsibilities; and
8. By-laws.

(3) The course of instruction and training shall include instruction in the services which must be provided in nursing homes, the protection of the rights and interests of the residents and the elements of good nursing home administration as well as other subject matter as deemed necessary by the board to properly prepare that applicant for nursing home administration.

(4) Instruction and training prescribed by the board shall be recognized as meeting the requirements of this rule only if it is offered by an accredited educational institution or affiliate which has been duly registered with the Missouri Board of Nursing Home Administrators.



(5) Internships as required by section (1) shall be under the direct supervision of a licensed nursing home administrator approved and designated as a preceptor by the Missouri Board of Nursing Home Administrators. An administrator may be approved and designated as a preceptor for a period of two (2) years, if s/he—

(A) Has been licensed and employed as a Missouri nursing home administrator for at least thirty-six (36) months immediately prior to application to become a preceptor;

(B) Is currently serving as the administrator of a duly licensed intermediate care facility (ICF), skilled nursing facility (SNF), assisted living facility (ALF) or any Residential Care Facility (RCF) that was licensed as a residential care II on or before August 27, 2006 that continues to meet the licensure standards for a residential care facility II in effect on August 27, 2006, with sixty (60) or more beds;

(C) Is an administrator of an ICF, SNF, ALF or RCF (as described above) with sixty (60) or more beds which is in substantial compliance with the rules governing nursing homes; and

(D) Has not been the subject of any action by any board of nursing home administrators or licensing authority which resulted in discipline, including but not limited to, formal reprimand, probation, suspension or revocation of license or privileges as a nursing home administrator; and

(E) Has successfully completed a board approved preceptor training program.

(6) Designated preceptors shall request in writing board approval to conduct an internship for an applicant who has been found not qualified for licensure by the board, based upon 19 CSR 73-2.020. Approval may be granted by the board if the preceptor—

(A) Is not related to the intern within the fourth degree of consanguinity;

(B) Agrees to give the intern an opportunity to observe and take part in the managerial tasks of the preceptor;

(C) Will acquaint the intern with the organization and operation of all the various departments of the facility by permitting his/her observation and/or participation in department activities;

(D) Will hold an exit interview with the intern upon completion of an internship to point out noted strengths and weaknesses; and

(E) Upon satisfactory completion of the internship will prepare and return to the board office the mandatory form certifying the completion of the required hours of internship.

(7) The board, for good cause, may refuse to approve or renew a preceptor designation or may refuse to approve an assignment of an intern to a preceptor.

(8) A preceptor may supervise no more than one (1) intern concurrently.

(9) Internships shall be completed within eighteen (18) months of completion of classroom or other formal instruction unless approved by the board.

(10) A portion of an internship may be completed in a duly licensed ALF or RCF (as described above) with sixty (60) or more beds if the intern desires such experience. The maximum hours of internship that may be served in such an ALF or RCF (as described above) are designated as follows. Applicants may complete up to—

(A) 667 clock hours if 2,000 clock hours are required by the board;

(B) 267 clock hours if 800 clock hours are required by the board;

(C) 214 clock hours if 640 clock hours are required by the board; or

(D) 167 clock hours if 500 clock hours are required by the board.

(11) Each day of an internship experience shall include at least one (1) four (4)-hour block of time within the primary working hours of the administrator.

AUTHORITY: section 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.031. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed April 14, 1983, effective July 11, 1983. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed July 14, 1993, effective Jan. 13, 1994. Amended: Filed June 30, 1994, effective Feb. 1, 1995. Amended: Filed May 15, 1995, effective Nov. 30, 1995. Amended: Filed April 30, 1998, effective Oct. 30, 1998. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.050 Renewal of Licenses

PURPOSE: This rule describes the conditions and procedures for renewal of a nursing home administrator license according to the provisions of section 344.040, RSMo.

(1) By April 1 of each year, the board shall mail an application for renewal of license, to the last recorded address on file, to every person whose license is due to be renewed during the current year.

(2) Licenses that expire on June 30, 2007 will be renewed if the licensee:

(A) Files an application for renewal on a form furnished by the board on or before June 15. Information provided in the application shall be attested to by signature to be true and correct to the best of the applicant's knowledge and belief and include an attestation verifying that the licensee has completed at least twenty (20) clock hours of board-approved continuing education, as outlined in 19 CSR 73-2.050(4)(A)-(B), obtained during the current licensure year or carried from the preceding year. A minimum of five (5) clock hours must be in patient-care related offerings, as defined in 19 CSR 73-2.031(2)(A)-(F).

1. Licensees must maintain proof of having completed the number of continuing education hours claimed at the time of renewal.

2. Upon request of the board, make that proof available for audit to verify completion of the number and validity of hours claimed;

(B) Submit a renewal fee of one hundred dollars (\$100) made payable to the Department of Health and Senior Services;

(C) A two (2)-year license expiring on June 30, 2009 will be issued.

(3) Licensees seeking renewal on June 30, 2008 or later shall, on or before June 15, of the year of renewal, file an application for renewal on a form furnished by the board, and shall submit a renewal fee of one hundred dollars (\$100) made payable to the Department of Health and Senior Services. Information provided in the application shall be attested to by signature to be true and correct to the best of the applicant's knowledge and belief and include an attestation verifying that the licensee has completed at least forty (40) clock hours of board-approved continuing education obtained during the current licensure period. A minimum of ten (10) clock hours must be in patient-care related offerings, as defined in 19 CSR 73-2.031(2)(A)-(F).

(4) Licensees must maintain proof of having completed the number of continuing education hours claimed at the time of renewal and shall, upon request of the board, make that proof available for audit to verify completion of the number and validity of hours claimed. Documentation to prove completion of continuing education hours must be maintained



by each licensee for four (4) years from the last day of the licensure year in which the hours were earned.

(A) A minimum of thirty (30) clock hours toward the forty (40) required shall be obtained through attendance at board-approved continuing education programs or academic courses, as defined in 19 CSR 73-2.031(2)(A)–(K). A maximum of twenty (20) clock hours of the forty (40) clock hours may be from on-line continuing education programs if a Missouri board-approved training agency offers the program. The continuing education programs and the academic courses must meet the following criteria:

1. Be approved by the board. In the case of academic courses, the licensee must submit a course description from the college for board review. A maximum of five (5) clock hours per semester hour may be approved by the board. Upon successful completion of the course (grade of “C” or above), an official transcript or grade report must be submitted to the board office, upon request, as verification of course completion;

2. Be offered by a registered training agency approved by the board or a single offering provider (as outlined in 19 CSR 73-2.060);

3. Be approved by another state licensure board for nursing home administrators or by the National Continuing Education Review Service (NCERS) under the National Association of Boards (NAB), if the program is held out-of-state.

(B) A maximum of ten (10) clock hours toward the forty (40) required may be obtained as follows:

1. For the purposes of this subsection, the following definitions shall apply:

A. Referred publication—a publication that undergoes an anonymous review process that determines whether or not the article will be published; and

B. National health-care publication—a publication that is—

(I) Published by a health-care association whose mission statement/bylaws indicate its scope is national;

(II) Mailed nationwide; and

(III) Addressing content contained within the long-term care core of knowledge outlined in 19 CSR 73-2.031(2)(A)–(K);

2. Publishing health-care related articles of at least fifteen hundred (1,500) words shall be granted—

A. Five (5) clock hours if article appears in a national health-care referred publication;

B. Four (4) clock hours if article appears in a regional health-care referred publication;

C. Three (3) clock hours if article appears in a state health-care referred publication;

D. Two (2) clock hours if article appears in a national health-care publication; and

E. One (1) clock hour if article is published;

3. An administrator lecturing at a board-approved seminar may receive credit equal to each hour or quarter hour of presentation time with a maximum of six (6) hours credit earned per licensure period. This credit may be in addition to actual hours of attendance at the seminar but credit shall be granted for only one (1) presentation of the same seminar.

(C) Serving as a registered preceptor for an applicant who has been required by the board to complete an internship as described in 19 CSR 73-2.031. One (1) clock hour per full month as a preceptor shall be granted with a maximum of ten (10) clock hours per internship. During the two (2)-year licensure period, a maximum of twenty (20) clock hours will be granted.

(D) Each licensee whose initial licensure period is less than twenty-four (24) months shall be required to obtain at least one and one-half (1 1/2) hours of continuing education for each month in the initial licensure period which shall include programs covering patient-care related topics as defined in 19 CSR 73-2.031(2)(A)–(F). The minimum number of clock hours required in patient-care (PC) related programs is as follows. Initial licensure period of:

1. 23 months to 18 months—8 PC clock hours

2. 17 months to 12 months—6 PC clock hours

3. 11 months to 6 months—4 PC clock hours

4. 5 months or less—2 PC clock hours.

(5) The board shall annually select on a random basis at least five percent (5%) of the licensees applying for renewal to have their claims of continuing education hours audited for compliance with board requirements. A licensee will be notified by mail when a renewal application has been selected for audit and will have up to thirty (30) days to provide copies of all certificates of attendance and other documentation supporting the continuing education clock hours claimed on the renewal application. Nothing in this section shall prevent the board from requiring any individual licensee to provide evidence satisfactory to the board of having completed the continuing education hours required for license renewal. Failure to provide proof of

continuing education hours as reported on the renewal application or submission of falsified records can be cause for discipline pursuant to section 344.050.2, RSMo.

(6) When the required information, documentation and fee are received and approved by the board within the specified time period, the board shall issue the license.

*AUTHORITY: sections 344.040 and 344.070, RSMo Supp. 2007. * This rule was previously filed as 13 CSR 73-2.050. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed June 28, 1990, effective Dec. 31, 1990. Emergency amendment filed March 19, 1991, effective April 1, 1991, expired July 20, 1991. Amended: Filed April 1, 1991, effective Aug. 30, 1991. Amended: Filed Jan. 3, 1992, effective July 1, 1992. Amended: Filed June 30, 1994, effective Feb. 1, 1995. Amended: Filed Jan. 31, 1996, effective July 30, 1996. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 15, 2005, effective July 30, 2006. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.040, RSMo 1969, amended 1979, 1987, 1989, 2000, 2005, 2007; and 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.051 Retired Licensure Status

PURPOSE: This rule establishes the procedures by which a currently licensed administrator may retire his/her license and the procedures for reactivating the license, pursuant to section 344.105, RSMo.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency’s headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Any currently licensed nursing home administrator may request to retire the license if s/he has maintained an active Missouri



license at least ten (10) years and has retired from the practice of nursing home administration.

(2) Licensees interested in making application must submit the following information to the board:

(A) A fee of fifty dollars (\$50) made payable to the Department of Health and Senior Services;

(B) His/her original wall license and all other evidence of licensure or evidence satisfactory to the board that the license has been lost, stolen, or destroyed; and

(C) One of the following:

1. An affidavit that includes the date on which the licensee retired from such practice and such other facts the Board may require to verify the retirement; or

2. Sign the request for retired status that appears on the nursing home administrator license renewal application and return such application to the Board prior to the active license expiring on June 30 of the year of renewal.

(3) Information provided in the request for retired status shall be given under oath subject to the penalties for making a false affidavit. A sample Affidavit Requesting Retired Licensure Status is hereby incorporated by reference as part of this rule.

(4) The Board shall issue a new license to the licensee indicating that the licensee is retired once the Board has received the required information and has approved the request for retired licensure status.

(5) A retired license may be reactivated within five (5) years of the granting of the retired license by filing the following information with the board:

(A) An affidavit requesting reactivation of the retired license;

(B) A fee of one hundred dollars (\$100) made payable to the Department of Health and Senior Services; and

(C) Satisfactory evidence of the completion of twenty (20) clock hours of board approved continuing education (including clock hours carried forward from the last renewal date), as described in 19 CSR 73-2.050(2)(A) and (B), for each calendar year the license was retired. All clock hours must be completed after the granting of the retired license or completed within the same licensure year the licensee was granted the retired license. The board may prorate the required clock hours for any portion of a calendar year as follows:

1. Ten (10) months or more, but less than twelve (12) months—twenty (20) clock

hours (including a minimum of five (5) patient care hours);

2. Seven (7) months or more, but less than ten (10) months—fifteen (15) clock hours (including a minimum of five (5) patient care hours);

3. Four (4) months or more, but less than seven (7) months—ten (10) clock hours (including a minimum of two and one-half (2.5) patient care hours); or

4. Less than four (4) months—five (5) clock hours (including a minimum of two and one-half (2.5) patient care hours).

(6) If more than five (5) years have passed since the issuance of a retired license to a licensee, the licensee shall follow the procedures for initial licensure stated in section 344.030, RSMo.

(7) No person shall act or serve in the capacity of a nursing home administrator in this state or hold himself or herself out as a nursing home administrator if his or her license is retired.

(8) Retired licensees shall remain subject to disciplinary action for violations of Chapter 344, RSMo and the rules promulgated thereunder.

AUTHORITY: section 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.051. Original rule filed Oct. 24, 2000, effective May 30, 2001. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.053 Inactive Licensure Status

PURPOSE: This rule establishes the procedures by which a currently licensed administrator may place his/her license on an inactive status and the procedures for reactivating the license, pursuant to section 344.108, RSMo.

(1) Any nursing home administrator possessing a current license to practice as a nursing home administrator in Missouri may request an inactive license.

(2) Licensees interested in requesting an inactive license must submit the following information to the board prior to June 30 of the year of renewal of the administrator's active license.

(A) A fee of fifty dollars (\$50) made

payable to the Department of Health and Senior Services;

(B) His/her original wall license and all other indicia of licensure, or evidence satisfactory to the board that the license has been lost, stolen or destroyed;

(C) A signed written request that has been notarized; and

(D) Evidence satisfactory to the board of completion of ten (10) clock hours of continuing education in the area of patient care.

(3) The board shall issue a new license to the licensee indicating that the license is inactive once the board has received the required information and has approved the request for inactive licensure status.

(4) An inactive license shall expire on June 30 of the year following the year of issuance and every other year thereafter.

(5) Licensees seeking to renew shall, on or before June 30, of the year of renewal, file an application for renewal on forms furnished by the board that includes evidence satisfactory to the board of completion of ten (10) clock hours of continuing education in the area of patient care and shall be accompanied by a renewal fee of fifty dollars (\$50) made payable to the Department of Health and Senior Services.

(6) A license may be carried in inactive status for up to six (6) years from the date of issuance. If the licensee does not reactivate the license during the six (6)-year period, the license shall expire on the last day of the six (6)-year period.

(7) An inactive license may be reactivated by submitting a written request to the board, accompanied by evidence satisfactory to the board of the completion of forty (40) clock hours of continuing education and a fee of one hundred dollars (\$100) made payable to the Department of Health and Senior Services. The forty (40) clock hours of continuing education shall be earned no earlier than six (6) months prior to the request for reactivation and no later than six (6) months after the inactive license has been reactivated. If the holder of an inactive license requests reactivation prior to completing the forty (40) clock hours of continuing education, the board shall issue a six (6)-month interim license to the licensee. The interim license shall expire six (6) months from the date of issuance or at such earlier time as the licensee earns the forty (40) clock hours of continuing education and submits evidence



satisfactory to the board of completion of the required hours.

(8) A request for reactivation of an inactive license shall show, under oath or affirmation of the nursing home administrator, a statement that the nursing home administrator has not practiced during the inactive period and is not presently practicing in this state.

(9) No person shall practice as a nursing home administrator or hold himself or herself out as a nursing home administrator in this state while his or her license is inactive.

(10) An inactive license shall remain subject to discipline for violations of this chapter and the rules promulgated there under.

AUTHORITY: section 344.070, RSMo Supp. 2007. Original rule filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1987, 1989, 2000, 2005, 2007.*

19 CSR 73-2.055 Renewal of Expired License

PURPOSE: This rule describes the conditions and procedures for renewing a license that has expired.

(1) Any licensee who fails to submit the required application, documentation and/or fee for license renewal prior to expiration of that license on June 30, may be relicensed by meeting the requirements of this regulation provided that the license has not been expired for a period of more than twelve (12) months.

(2) The licensee must complete and forward to the board office a license renewal application (see 19 CSR 73-2.050(2) or (3), accordingly to the date the license expired), along with a renewal fee of one hundred dollars (\$100) for a two (2)-year license, plus a twenty-five dollar (\$25) penalty fee. Satisfactory evidence of board-approved continuing education, (as outlined in 19 CSR 73-2.050(2) or (3), according to the date the license expired), must also be submitted with the license renewal application. Information provided in the application shall be attested to by signature to be true and correct to the best of the applicant's knowledge and belief and include an attestation verifying that the licensee has completed the required number of board-approved continuing education clock hours obtained during the current licensure period.

(3) The licensee shall also supply the board with a statement indicating employment status from the point the license expired through the filing of the application for late renewal. The licensee shall include in the statement written reasons as to why the license was not renewed prior to the expiration date of June 30.

(4) The board-approved continuing education must be obtained as described in 19 CSR 73-2.050(5)(A) and may include clock hours as outlined in 19 CSR 73-2.050(5)(B)1.-4.

(5) Upon receipt of the required application, documentation and fee, the board may issue the license effective the date the late renewal is approved by the board.

(6) A person whose license has expired for a period of more than twelve (12) months must meet the requirements set out in 19 CSR 73-2.020 for initial licensure.

(7) Upon expiration of the license, a licensee cannot act in the capacity of a nursing home administrator. To do so is a violation of section 344.020, RSMo and may be grounds for denial of the late renewal application or be cause for discipline of the license.

AUTHORITY: sections 344.040 and 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.055. Original rule filed June 28, 1990, effective Dec. 31, 1990. Amended: Filed June 30, 1994, effective Feb. 1, 1995. Amended: Filed Jan. 31, 1996, effective July 30, 1996. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 15, 2005, effective July 30, 2006. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.040, RSMo 1969, amended 1979, 1987, 1989, 2000, 2005, 2007; and 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.060 Registration of Training Agencies and Single Offering Providers

PURPOSE: This rule sets forth the requirements for registration with the board for training agencies and single offering providers offering courses of study and training intended to qualify applicants for initial licensing or renewal of license as a nursing home administrator.

(1) All organizations described in 19 CSR 73-2.010(8) which offer any course of study or program of instruction and training to prepare applicants for licensure as nursing home

administrators or for the renewal of license as nursing home administrators shall register with the board.

(A) These entities shall complete the application for registration as a training agency and submit it to the board along with the supporting documentation required by the form.

(B) This registration, if granted by the board, shall be established for up to twelve (12) months and notice of this registration and time periods will be made available to licensees by the executive secretary of the board. The registration of any agency may be terminated at any time at the discretion of the board. The agency's board approval number must be printed in all program promotional materials that are approved for nursing home administrators.

(C) The program shall follow the long-term care core of knowledge areas as described in 19 CSR 73-2.031(2). All approved training agencies must submit to the board office in advance, the following information regarding each program they wish to approve for nursing home administrator clock hours:

1. Date, time and location of presentation broken down into specific time periods, topic titles and speakers;
2. A program outline including the purpose and content objectives;
3. Statements regarding presenter qualifications in his/her particular subject matter area;
4. Number of clock hours requested, deleting time allotted for breaks and lunch; and
5. For on-line courses, the program materials must also include:

A. Description of the total learning package including the method/rationale used for determining the number of study hours required to complete the program. One (1) clock hour will be awarded for each hour needed to complete the course.

B. Instruction for program completion; and

C. Post-test as part of the total learning package. The information must demonstrate test security, include a minimum of five (5) multiple choice or true/false questions per clock hour, and require a grade of seventy-five percent (75%) or higher in order to pass.

(D) If the training agency wishes to approve a program but is not the sponsoring agency and provider, the agency must submit the application for approval of a single offering as described in section (2) of this rule. No fee will be charged for this process as referenced in subsection (2)(B). If the application for a single offering is submitted less than forty-five (45) days in advance of the presentation



but more than thirty (30) days in advance, there will be a nonrefundable late fee of fifty dollars (\$50).

(E) Thirty (30) days prior to the date the training agency status will expire, the agency must make reapplication if the agency wishes to continue as an approved provider beyond the designated period. The training agency's ability to comply with the board's rules and policies for offering continuing education programs to licensed nursing home administrators will be carefully reviewed during the reapplication process.

(2) Organizations or persons who do not qualify under 19 CSR 73-2.010(8) but who wish to sponsor education seminars shall submit three (3) copies of the application for approval of a single offering a minimum of forty-five (45) days in advance of the presentation. If the application for a single offering is submitted less than forty-five (45) days in advance of the presentation but more than thirty (30) days in advance, there will be a separate, nonrefundable late fee of fifty dollars (\$50).

(A) The sponsoring agency and its role must be clearly identified in the application. For first time single offering providers, the organization's mission statement/goals must be included.

(B) There shall be a separate, nonrefundable fee of fifteen dollars (\$15) per requested clock hour for each single offering application filed with the board. The education and training unit of any state agency, or a section of a department, will be exempt from these application fees.

(C) The program shall follow the long-term care core of knowledge areas as described in 19 CSR 73-2.031(2).

(D) Applications approved by the board must reflect the board approval number in the program's promotional materials.

(3) The education and training unit of the Missouri Department of Health and Senior Services, in order to provide topical education which may be of an immediate nature, shall be exempt from the forty-five (45)-day advance notice stipulation.

(4) The training agency and single offering provider must—

(A) Record attendance accurately at each presentation, with the use of sign-in/out sheets as needed, reflecting the number of clock hours of actual attendance of each nursing home administrator;

(B) Submit, within thirty (30) days of the conclusion of the approved program, to the board office a composite evaluation and a

roster signed by each nursing home administrator attendee including license number and number of clock hours issued to each licensee; and

(C) Provide each nursing home administrator written evidence of his/her attendance which shall include: title of offering, date of offering, number of clock hours actually attended and the board approval number.

AUTHORITY: section 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.060. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Aug. 12, 1981, effective Nov. 12, 1981. Amended: Filed April 14, 1983, effective July 11, 1983. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Rescinded and readopted: Filed Jan. 3, 1992, effective May 14, 1992. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.070 Examination

PURPOSE: This rule describes the conditions and procedures for examination.

(1) The board shall approve the content and form of all examinations administered to applicants for licensure.

(2) The examination(s) must be taken within twelve (12) months of the written notice of board evaluation and qualification. Failure to do so will cause full reapplication to be necessary.

(3) Qualified applicants will be eligible to take the national examination through the testing service by following the procedures set forth in subsections (A)–(D).

(A) Applicants must submit the National Association of Boards of Examiners of Long Term Care Administrators (NAB) Application Form for Computerized Testing and the required fees to NAB. The applicant will receive from the testing service an authorization letter including a list of testing center vendors, each center's toll-free telephone number and instructions on the scheduling process.

(B) Applicants must schedule to sit the examination within sixty (60) days of the date on the testing service's authorization letter.

(C) Failure to schedule and sit the examination(s) within the sixty (60)-day period will cause the applicant's name to be removed from the eligibility list kept by the testing service. Applicants may reschedule by resubmitting the NAB Application Forms and paying any required fees.

(D) Applicants must comply with all criteria and requirements established by the board, the National Association of Board of Examiners of Long Term Care Administrators (NAB), the testing service and the testing center.

(4) Qualified applicants will be eligible to take the state examination administered by the board once a written request and the one hundred dollar (\$100) fee are received by the board. The examination will be scheduled at least monthly if one (1) or more applicants are awaiting examination.

(5) Individuals making initial application for licensure, within twenty-one (21) days of a board meeting date, may be required to wait until a subsequent date to be evaluated.

(6) Applicants shall obtain a passing score on the examination(s) administered by the board. The passing score shall be based upon the scale score passing point of one hundred thirteen (113) on the federal portion of the examination and seventy-five percent (75%) on the state portion of the examination.

(7) If an applicant fails to make a passing grade on one or both of the required examinations, the applicant may make application for reexamination and pay the required fees. If an applicant fails only one of the required examinations and then fails to retake and pass the examination within a twelve (12)-month period, the applicant shall be required to take and pass both examinations before the board will issue the applicant a license.

(8) If an applicant fails either of the examination(s) a third time, the applicant must complete a course of instruction prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for board-approved examination(s). No applicant shall be licensed by the board after a third licensure examination failure unless the applicant successfully completes the board-prescribed course of instruction and passes the board-approved examination(s). With regard to any nationally certified examination required for licensure, no examination scores from other states shall be recognized by the board after



the applicant has failed for a third time to pass the examination.

AUTHORITY: section 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.070. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Emergency amendment filed Dec. 13, 1991, effective Dec. 23, 1991, expired April 20, 1992. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed April 30, 1998, effective Oct. 30, 1998. Amended: Filed March 1, 1999, effective Aug. 30, 1999. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expired June 7, 2000. Amended: Filed November 1, 1999, effective April 30, 2000. Emergency amendment filed Nov. 30, 2001, effective Jan. 1, 2002, expired June 29, 2002. Amended: Filed Nov. 30, 2001, effective June 30, 2002. Moved to 19 CSR 73-2.070, effective March 3, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.080 Temporary Emergency Licenses

PURPOSE: This rule sets forth the procedure for requesting an emergency license and extension and the conditions which must be met.

(1) Application for a temporary emergency license shall be made to the executive secretary of the board. The application shall demonstrate that the applicant meets the requirements for a temporary emergency license as set forth in section 344.030.5, RSMo and shall include the following:

(A) The signature of the appropriate authority at the facility where the emergency exists and of the person for whom the license is requested;

(B) The name of the licensed administrator who has died, been removed or vacated the position and the effective date of the death, removal or vacancy;

(C) A statement as to whether the facility is newly licensed. Newly licensed shall mean licensed, either initially or because of a change of operator, within ninety (90) days prior to the request for an emergency license. If the facility has been newly licensed, the application shall also include a statement from the operator setting forth the reasons why the departure of the previous administra-

tor was not anticipated by the operator at the time the facility was licensed;

(D) A complete initial application and a fee for the person for whom the emergency license is requested;

(E) A complete copy of the most recent statement of deficiencies from the Missouri Department of Health and Senior Services for the facility where the emergency exists; and

(F) Applications for a temporary emergency license shall be filed with the board immediately upon notification of, or realization by, the person making the application, but in no event more than ten (10) working days from the effective date referred to in subsection (1)(B).

(2) After receipt and review of the required information, the board may issue a temporary emergency license for a period not to exceed ninety (90) days. The person to whom it is issued is fully responsible for the facility as if initially licensed as a nursing home administrator and shall confirm his/her understanding of this fact in a statement upon receipt of the temporary emergency license.

(3) A temporary emergency license shall not be granted by the board to an individual to act as an administrator in a newly licensed facility unless clear and convincing evidence is presented which, in the board's best judgment, demonstrates that the departure of the previous administrator was not anticipated by the operator at the time the facility was newly licensed. All individuals or entities intending either to build or become the operator of a facility must be familiar with the laws pertaining to licensure of nursing home administrators and long-term care facilities and take necessary steps to insure continued compliance with the statutory and regulatory provisions before becoming an operator.

(4) A temporary emergency license may be issued only to a person—

(A) Twenty-one (21) years of age or over, who is a high school graduate or equivalent and is of good moral character;

(B) Who had been preceded in the position by a fully licensed nursing home administrator; and

(C) Who previously has not been denied a nursing home administrator's license or has not had a nursing home administrator's license suspended or revoked.

(5) Request for extension of a temporary emergency license shall be made in writing and submitted to the executive secretary no later than twenty-one (21) days in advance of the temporary emergency license date of

expiration. Upon recommendation of the officers of the Missouri Board of Nursing Home Administrators, temporary emergency license extensions may be issued for up to ninety (90) days. The extension may only be considered upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee and the applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one (1) time.

AUTHORITY: sections 344.030.4 and 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.080. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Dec. 10, 1984, effective April 11, 1985. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.030, RSMo 1969, amended 1979, 1987, 1988, 1989, 1996, 2007; and 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.085 Public Complaints

PURPOSE: This rule establishes a procedure for receipt, handling and disposition of public complaints by the board of nursing home administrators.

(1) The State Board of Nursing Home Administrators shall receive and process each complaint made against any licensed nursing home administrator, or other person or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 344, RSMo. Any member of the public or the profession, or any federal, state or local official, may make and file a complaint with the board. Complaints received from sources outside Missouri will be processed in the same manner as those originating within Missouri. No members of the State Board of Nursing Home Administrators shall file a complaint with this board while s/he holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint. Any staff member or employee of the board may file a complaint pursuant to this rule in the same manner as any member of the public.



(2) Complaints should be mailed or delivered to the following address: State Board of Nursing Home Administrators, PO Box 570, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify their maker by name and address. Complaints may be made on forms provided by the board, which shall be available upon request. Complaints need not be made by affidavit, but oral or telephone communications will not be considered or processed as complaints. Any person attempting to make an oral or telephone complaint against an individual will be provided with a complaint form and requested to complete it and return it to the board. Any staff member or employee of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written but unsigned communications received by the board, unless those communications are believed by that staff member or employee to be false.

(4) Each complaint received under this rule shall be logged in a book maintained by the board for that purpose. Complaints shall be logged in consecutive order as received. The logbook shall contain: a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the board or in formal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This logbook shall be a closed record of the board.

(5) Each complaint logged pursuant to this rule shall be acknowledged in writing. The acknowledgment shall state that the complaint is being investigated and shall be referred to the board or an appropriate board subcommittee for consideration following the investigation. The complainant may be notified of the ultimate disposition of the complaint, excluding judicial appeals, and may be provided with a copy of the decisions (if any) of the Administrative Hearing Commission and the board. The provisions of this section shall not apply to complaints filed by staff members or employees of the board, based

upon information and belief, acting in reliance on third-party information received by the board.

(6) Both the complaint and any information obtained as a result of the complaint investigation shall be considered a closed record of the board and shall not be available for inspection by the public.

(7) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission or with a court, charging a licensee, permittee or other person or entity with any actionable conduct or violation, whether or not this complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board and whether or not any public complaint has been filed with the board.

(8) The board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board. This rule is not deemed to protect or to inure to the benefit of those licensees, permit holders, registrants or other persons or entities against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 344, RSMo.

AUTHORITY: section 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.085. Original rule filed Oct. 4, 1988, effective March 15, 1989. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.090 Disciplinary Action

PURPOSE: This rule describes the condition and procedure for disciplinary action, as defined in section 344.050, RSMo, against licenses.

(1) The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one (1) or any combination of causes stated in section (2) of this rule. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his/her right to file a complaint with the Administrative Hearing Com-

mission as provided by Chapter 621, RSMo. As an alternative to refusal to issue or renew any certificate, registration or authority, permit or license, the board may, at its discretion, issue a license which is subject to probation for any one (1) or any combination of causes stated in section (2) of this rule. The board's order of probation shall contain a statement of the discipline imposed, the basis therefore, the date such action shall become effective, and a statement that the applicant has thirty (30) days to request in writing a hearing before the Administrative Hearing Commission. If the board issues a probationary license to an applicant for licensure, the applicant may file a written petition with the Administrative Hearing Commission within thirty (30) days of the effective date of the probationary license seeking review of whether cause exists to discipline the licensee under section (2) of this rule. If no written request for a hearing is received by the Administrative Hearing Commission within the thirty (30)-day period, the right to seek review of the board's decision shall be waived.

(2) The board may cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his/her certificate or registration or authority, permit or license for any one (1) or any combination of the following causes:

(A) Use or unlawful possession of any controlled substance, as defined in Chapter 195, RSMo, or alcoholic beverage to an extent that this use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(B) Has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, pursuant to criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any professional licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(C) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;



(D) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(E) Performing incompetent, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter (refer to 19 CSR 73-2.095 for a partial listing of those functions and duties);

(F) Violating, assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted pursuant to this chapter;

(G) Violation of, or assisting or enabling any person to violate, any provision of Chapter 198, RSMo, or any lawful rule or regulation promulgated thereunder;

(H) Impersonation of any person holding a certificate of registration or authority, permit or license, or allowing any person to use such person's certificate of registration or authority, permit, license or diploma from any school;

(I) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(J) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(K) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(L) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(M) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(N) Knowingly failing to report abuse or neglect of a resident in a long-term care facility, as required by section 198.070, RSMo, of which he or she has actual knowledge that it is abuse or neglect;

(O) Violation of any professional trust or confidence; or

(P) Having served as the administrator, operator, or any principal involved in the operation of a facility licensed under Chapter 198, RSMo, and during such time the facility has had its license revoked under section 198.036, RSMo, has entered into a consent agreement to obtain a probationary license under subsection 5 of section 198.026, RSMo, has had a license denied under subsection 2 of section 198.022, RSMo, or has

surrendered its license while under investigation.

(3) The Administrative Hearing Commission shall have no authority to require issuance of a license, pending a final determination by the commission, in any case in which an applicant is seeking initial licensure.

(4) No license may be suspended or revoked and no application for renewal of a license may be denied under this section until the licensee has been afforded an opportunity for hearing after due notice as provided in sections 621.015–621.205, RSMo.

(5) Upon a finding by the Administrative Hearing Commission that the grounds, provided in section (2) of this rule, for disciplinary action are met, singly or in combination, the board may censure or place the person named in the complaint on probation on such terms as the board deems appropriate, or may suspend or revoke the certificate, permit or license.

(6) The board may exclude any application for up to five (5) years for any person who has had his or her license revoked by the board or has surrendered his or her license to the board.

AUTHORITY: section 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.090. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.095 Standards of Professional Conduct

PURPOSE: The Board of Nursing Home Administrators is committed to high standards of care for the aging population in Missouri nursing homes. To assure that those standards are met by licensed administrators in Missouri, the board provides standards of conduct consistent with accepted standards of the nursing home administration profession. Behavior (acts, knowledge and practice) which fails to conform to the accepted standards shall constitute unprofessional conduct. This rule sets out those standards which

must be maintained by the nursing home administrator.

(1) The administrator shall—

(A) Be held responsible for informing him/herself of the needs of the residents and the needs of the facility and apprise the operator of these needs on a routine basis;

(B) Be held responsible for the actions of all employees with regard to Chapter 198, RSMo, unless—

1. Upon learning of the violation, the administrator attempted to immediately correct the violation;

2. The administrator did not sanction the violation; and

3. The administrator did not attempt to avoid learning of the violation;

(C) Establish and enforce policies and procedures to safeguard patient or resident care;

(D) Establish and enforce policies and procedures for the protection of residents rights, funds and property;

(E) Establish and enforce policies and procedures for all nursing home rules as stated in 19 CSR 30-82 through 19 CSR 30-89;

(F) Not permit or allow another person to use his/her nursing home administrator license for any purpose;

(G) Report through the proper channels the incompetent, unethical or illegal practice of any health care professional; and

(H) Devote reasonable time and attention to the management of the health, safety and welfare of the residents of the facility.

(2) Failure of the licensee to comply with any of the provisions of section (1) of this rule in performing any of the acts covered by the licensure law may be considered by the board to be conduct which is detrimental to the interest of the public and may be deemed in violation of the licensure law and shall be sufficient cause for the board to pursue a complaint against the offending licensee to the Administrative Hearing Commission.

AUTHORITY: section 344.070, RSMo 2000. This rule was previously filed as 13 CSR 73-2.095. Original rule filed Jan. 19, 1988, effective April 11, 1988. Amended: Filed June 28, 1990, effective Dec. 31, 1990. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995.*



19 CSR 73-2.100 Restoration and Rehabilitation of Suspended/Revoked Licenses

PURPOSE: This rule describes the conditions and procedures for the restoration and rehabilitation of suspended/revoked licenses.

(1) Each applicant seeking to restore to good standing a license, issued under Chapter 344, RSMo, which has been revoked, suspended or if there has been a finding of cause for discipline, must present with his/her application whatever evidence the board may have required at the time of the revocation or suspension. The board may require whatever steps as are rationally related to the cause of disciplinary action.

AUTHORITY: section 344.070, RSMo Supp. 1993. This rule was previously filed as 13 CSR 73-2.100. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 4, 1988, effective March 15, 1989. Moved to 19 CSR 73-2.100, effective March 3, 2003.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993.*

19 CSR 73-2.105 Disciplinary Proceedings

PURPOSE: This rule describes the board's procedure for the investigation of a complaint or referral and stipulates the conduct of disciplinary hearings upon receipt of a ruling from the Administrative Hearing Commission that a licensee has violated Chapter 344, RSMo.

(1) Upon receipt of a complaint or referral, the board shall investigate the actions of the licensee against whom the complaint is made. In conducting an investigation, the board, in its discretion, may request the licensee under investigation to answer the charges made against him/her in writing, and to produce relevant documentary evidence and may request him/her to appear before the board. A copy of any written answer of the licensee may be furnished to the complainant.

(2) Upon final ruling by the Administrative Hearing Commission that the acts of a licensee constitute a violation of the licensure law or these rules, the board shall proceed to revoke or suspend the license of the offending licensee or take other authorized action as it shall deem appropriate.

(3) After the hearing, the board, singly or in combination, may censure or place the licensee on probation on terms and condi-

tions as the board deems appropriate. These conditions may include, but shall not be limited to, satisfactory completion of certain educational requirements, passage of a written examination of the type given to applicants for licensure, making personal appearances before and periodic reports to the board, and restitution of money or property.

AUTHORITY: section 344.070, RSMo Supp. 1993. This rule was previously filed as 13 CSR 73-2.105. Original rule filed Oct. 4, 1988, effective March 15, 1989. Moved to 19 CSR 73-2.105, effective March 3, 2003.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993.*

19 CSR 73-2.110 Display of License

PURPOSE: This rule describes the requirement for display of license.

(1) Every person licensed as a nursing home administrator shall display the license in a conspicuous place in the office or place of business of employment of that license. Affixed to the license shall be verification from the board of current renewal.

AUTHORITY: section 344.070, RSMo Supp. 1993. This rule was previously filed as 13 CSR 73-2.110. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Moved to 19 CSR 73-2.110, effective March 3, 2003.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993.*

19 CSR 73-2.120 Duplicate License

PURPOSE: This rule describes the conditions and procedure for obtaining a duplicate license.

(1) In the event a license is lost or stolen, mutilated or destroyed, the administrator is required to report the loss immediately to the board office. Upon receipt of satisfactory evidence that a license has been lost, mutilated or destroyed, the board may issue a duplicate license upon payment of a fee of ten dollars (\$10). Satisfactory evidence is construed to be a notarized affidavit stating facts of the loss, mutilation or destruction of the license.

AUTHORITY: section 344.070, RSMo Supp. 2007. This rule was previously filed as 13 CSR 73-2.120. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended:*

Filed Oct. 16, 1985, effective March 14, 1986. Moved to 19 CSR 73-2.120, effective March 3, 2003. Amended: Filed Dec. 28, 2007, effective Aug. 30, 2008.

**Original authority: 344.070, RSMo 1969, amended 1979, 1993, 1995, 2007.*

19 CSR 73-2.130 Notice of Change of Address

PURPOSE: This rule describes the conditions and procedures for reporting change of address.

(1) Each administrator shall notify the board office of a current mailing address within twenty-one (21) days of change of personal address, facility employment or both.

AUTHORITY: section 344.070, RSMo Supp. 1993. This rule was previously filed as 13 CSR 73-2.130. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 17, 1985, effective March 14, 1986. Moved to 19 CSR 73-2.130, effective March 3, 2003.*

**Original authority: 344.070, RSMo 1969, amended 1979, 1993.*