

E AND R AMENDMENTS TO LB 42

Introduced by Murante, 49, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

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

5           38-2401 Sections 38-2401 to 38-2425 and sections 3 and 7  
6 of this act shall be known and may be cited as the Nursing Home  
7 Administrator Practice Act.

8           Sec. 2. Section 38-2402, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           38-2402 For purposes of the Nursing Home Administrator  
11 Practice Act and elsewhere in the Uniform Credentialing Act, unless  
12 the context otherwise requires, the definitions found in sections  
13 38-2403 to 38-2416 and section 3 of this act apply.

14           Sec. 3. Facility operated primarily for caring for  
15 persons with head injuries and associated disorders means a nursing  
16 home in which all or a majority of the persons served by the  
17 nursing home have head injuries and associated disorders.

18           Sec. 4. Section 38-2418, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           38-2418 Each nursing home within the state shall be  
21 operated under the supervision of an administrator duly licensed  
22 in the manner provided in the Nursing Home Administrator Practice  
23 Act. Each facility within the state operated primarily for caring

1 for persons with head injuries and associated disorders shall be  
2 operated under the supervision of an administrator duly licensed in  
3 the manner provided in the Nursing Home Administrator Practice Act.

4 If there is a vacancy in the position of licensed administrator  
5 of a nursing home, the owner, governing body, or other appropriate  
6 authority of the nursing home may select a person to apply for a  
7 provisional license in nursing home administration to serve as the  
8 administrator of such facility.

9           Sec. 5. Section 38-2419, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           38-2419 (1) The department shall issue a license to  
12 an applicant who submits (a) satisfactory evidence of completion  
13 of (i) an associate degree which includes the core educational  
14 requirements and an administrator-in-training program under a  
15 certified preceptor, (ii) a degree or an advanced degree and a  
16 mentoring program under a certified preceptor, (iii) a nursing  
17 degree, previous work experience in health care administration,  
18 and a mentoring program under a certified preceptor, (iv) a  
19 degree or an advanced degree in health care and previous work  
20 experience in health care administration, or (v) an associate  
21 degree which includes the core educational requirements, previous  
22 work experience, and a mentoring program under a certified  
23 preceptor, and (b) evidence of successful passage of the National  
24 Association of Boards of Examiners for Nursing Home Administration  
25 written examination.

26           (2) The department shall license administrators in  
27 accordance with the Nursing Home Administrator Practice Act and

1 standards, rules, and regulations adopted and promulgated by the  
2 department, with the recommendation of the board. The license shall  
3 not be transferable or assignable.

4 (3) Each administrator shall be responsible for  
5 and oversee the operation of only one licensed facility or  
6 one integrated system, except that an administrator may make  
7 application to the department for approval to be responsible  
8 for and oversee the operations of a maximum of three licensed  
9 facilities if such facilities are located within two hours' travel  
10 time of each other or to act in the dual role of administrator  
11 and department head but not in the dual role of administrator and  
12 director of nursing. In reviewing the application, the department  
13 may consider the proximity of the facilities and the number  
14 of licensed beds in each facility. An administrator responsible  
15 for and overseeing the operations of any integrated system is  
16 subject to disciplinary action against his or her license for any  
17 regulatory violations within each system.

18 ~~(4)(a) Notwithstanding the provisions of the Nursing~~  
19 ~~Home Administrator Practice Act,~~ the department shall issue a  
20 license as a nursing home administrator to an applicant who will  
21 function as the administrator of a facility caring primarily for  
22 persons with head injuries and associated disorders who submits  
23 satisfactory evidence that he or she ~~(i)~~ has at least two  
24 years of experience working with persons with head injuries or  
25 severe physical disabilities, at least one of which was spent  
26 in an administrative capacity, ~~(ii)~~ is ~~(A)~~ a psychologist with  
27 at least a master's degree in psychology from an accredited

1 college or university and has specialized training or one year  
2 of experience working with persons with traumatic head injury or  
3 severe physical disability, ~~(B) a physician licensed under the~~  
4 Uniform Credentialing Act to practice medicine and surgery or  
5 psychiatry and has specialized training or one year of experience  
6 working with persons with traumatic head injury or severe physical  
7 disability, ~~(C) an educator with at least a master's degree~~  
8 in education from an accredited college or university and has  
9 specialized training or one year of experience working with persons  
10 with traumatic head injury or severe physical disability, or ~~(D)~~  
11 a certified social worker, a certified master social worker, or a  
12 licensed mental health practitioner certified or licensed under the  
13 Uniform Credentialing Act and has at least three years of social  
14 work or mental health practice experience and specialized training  
15 or one or more years of experience working with persons who  
16 have experienced traumatic head injury or are severely physically  
17 disabled, and ~~(iii) is of good moral character. The applicant shall~~  
18 also provide his or her social security number.

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

24 Sec. 6. Section 38-2420, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 38-2420 (1) Except as provided in subdivision (1)(a)(iv)  
27 and subsection ~~(4)~~ of section 38-2419 and section 7 of

1 this act, in order for a person to become licensed as a  
2 nursing home administrator, he or she shall complete an  
3 administrator-in-training program or a mentoring program. The  
4 administrator-in-training program shall occur in a nursing home  
5 under the direct supervision of a certified preceptor, and it may  
6 be gained as an internship which is part of an approved associate  
7 degree. A mentoring program shall occur in a nursing home under  
8 the supervision of a certified preceptor. The certified preceptor  
9 in a mentoring program need not be at such facility during the  
10 period of such supervision but shall be available to assist with  
11 questions or problems as needed. A mentoring program may be gained  
12 as an internship which is part of a degree or advanced degree. A  
13 person in a mentoring program may apply for a provisional license  
14 as provided in section 38-2423.

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

24           (3) The certified preceptor shall submit a report to  
25 the department by the fifth day of each month for the duration  
26 of the administrator-in-training or mentoring program, describing  
27 the nature and extent of training completed to date. At the

1 conclusion of the program, the certified preceptor shall report to  
2 the department whether the applicant has successfully completed the  
3 board's approved course for such program. With the concurrence of  
4 the certified preceptor, the applicant may remain in such program  
5 until successfully completed or may reapply to enter another  
6 administrator-in-training or mentoring program.

7 (4) (a) The administrator-in-training or mentoring program  
8 shall occur under the supervision of a certified preceptor. An  
9 applicant to become a certified preceptor shall (i) be currently  
10 licensed as a nursing home administrator in the State of Nebraska,  
11 (ii) have three years of experience as a nursing home administrator  
12 in the five years immediately preceding certification, and (iii)  
13 complete a preceptor training course approved by the board.

14 (b) All preceptor certificates shall expire on December  
15 31 of every fourth year beginning December 31, 2000. Before  
16 acting on an application for renewal, the board shall review the  
17 performance of the applicant. Such review may include consideration  
18 of survey and complaint information, student evaluations, and  
19 any other related information deemed relevant by the board. The  
20 board may deny an application for renewal upon a finding that  
21 the applicant's performance has been unsatisfactory based on such  
22 review.

23 Sec. 7. (1) In order to qualify to function as the  
24 administrator of a facility operated primarily for caring for  
25 persons with head injuries and associated disorders, an individual  
26 shall be licensed as a nursing home administrator if he or she  
27 meets the requirements of this section. A license issued under this

1 section permits the holder to serve as a nursing home administrator  
2 only in a facility operated primarily for caring for persons with  
3 head injuries and associated disorders.

4 (2) To receive a credential to practice nursing home  
5 administration for a facility operated primarily for caring for  
6 persons with head injuries and associated disorders, an individual  
7 shall:

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

11 (b) Either:

12 (i) Hold a credential as:

13 (A) A psychologist pursuant to the Uniform Credentialing  
14 Act, with at least a master's degree in psychology from an  
15 accredited college or university;

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

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

20 (D) A certified social worker, a certified master social  
21 worker, or a licensed mental health practitioner pursuant to the  
22 Uniform Credentialing Act;

23 (E) A physical therapist, an occupational therapist, or  
24 a speech-language pathologist pursuant to the Uniform Credentialing  
25 Act; or

26 (F) An administrator or executive of a health care  
27 facility as defined in section 71-413 who is a member in good

1 standing with an organization that offers voluntary certification  
2 for the purpose of demonstrating managerial knowledge and  
3 experience for health care managers; or

4 (ii) Have at least eight years of experience working  
5 with persons with head injuries or severe physical disabilities,  
6 at least five of which were spent in an administrative capacity  
7 in a facility operated primarily for caring for persons with head  
8 injuries or severe physical disabilities.

9 (3) A license issued pursuant to this section shall  
10 be issued without examination and without the requirement of  
11 completion of an administrator-in-training or mentoring program.  
12 Such license may be renewed without the completion of any  
13 continuing competency requirements.

14 Sec. 8. Original sections 38-2401, 38-2402, 38-2418,  
15 38-2419, and 38-2420, Reissue Revised Statutes of Nebraska, are  
16 repealed.

17 2. On page 1, line 2, after the first comma insert  
18 "38-2402,"; in line 3 after the semicolon insert "to define a  
19 term;"; and in line 5 after "facility" insert "operated primarily  
20 for caring".