

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 411

Introduced by Coordsen, 32

Read first time January 13, 1999

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to nursing home administration; to amend
2 sections 71-6053, 71-6055, 71-6056, 71-6058, 71-6060,
3 71-6061, 71-6063, 71-6065, and 71-6067, Reissue Revised
4 Statutes of Nebraska, and section 71-6054, Revised
5 Statutes Supplement, 1998; to change provisions relating
6 to licensing requirements, training programs, inactive
7 license status, preceptors, removal, and the board; to
8 harmonize provisions; and to repeal the original
9 sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6053, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-6053. For the purpose of sections 71-6053 to 71-6068,
4 unless the context otherwise requires:

5 (1) Accredited institution ~~shall mean~~ means an
6 ~~institution of postsecondary education~~ postsecondary educational
7 institution approved by the board;

8 (2) Active license ~~shall mean~~ means a license issued by
9 the board to an administrator who meets the continuing education
10 requirements of section 71-6060 and who submits the fee required by
11 section 71-6061;

12 (3) Administrator or nursing home administrator ~~shall~~
13 ~~mean~~ means any individual who meets the education and training
14 requirements of section 71-6054 and is responsible for planning,
15 organizing, directing, and controlling the operation of a home for
16 the aged or infirm, ~~a or nursing home, or an integrated system~~ or
17 who in fact performs such functions, whether or not such functions
18 are shared by one or more other persons. Notwithstanding this
19 subdivision or any other provision of law, the administrator of an
20 intermediate care facility for the mentally retarded may be either
21 a licensed nursing home administrator or a qualified mental
22 retardation professional;

23 (4) Administrator-in-training ~~shall mean~~ means a person
24 who is undergoing training to become a nursing home administrator
25 and is directly supervised in a home for the aged or infirm or
26 nursing home by a certified preceptor;

27 (5) Board ~~shall mean~~ means the Board of Examiners in
28 Nursing Home Administration;

1 (6) Certified preceptor ~~shall mean~~ means a person who is
 2 currently licensed by the State of Nebraska as a nursing home
 3 administrator, has three years of experience as a nursing home
 4 administrator, ~~is currently practicing~~ has practiced within the
 5 last two years in a home for the aged or infirm or a nursing home,
 6 and is approved by the board to supervise an
 7 administrator-in-training or a person in a mentoring program;

8 (7) Core educational requirements means the educational
 9 requirements needed to be licensed as a nursing home administrator.
 10 The core educational requirements require applicants to submit
 11 evidence they have successfully completed courses which teach
 12 patient care and services, social services, financial management,
 13 general administration, and rules, regulations, and standards
 14 governing a health care facility;

15 (8) Degree or advanced degree means a baccalaureate,
 16 master's, or doctorate degree from an accredited postsecondary
 17 educational institution and includes studies in the core
 18 educational requirements;

19 (9) Degree or advanced degree in health care, health care
 20 administration, or services means a baccalaureate, master's, or
 21 doctorate degree from an accredited postsecondary educational
 22 institution in such subjects;

23 ~~(7)~~ (10) Department ~~shall mean~~ means the Department of
 24 Health and Human Services Regulation and Licensure;

25 ~~(8)~~ (11) Home for the aged or infirm or nursing home
 26 ~~shall mean~~ means any institution or facility licensed as such by
 27 the department pursuant to sections 71-2017 to 71-2029, whether
 28 proprietary or nonprofit, including, but not limited to, homes for

1 the aged or infirm owned or administered by the federal or state
2 government or an agency or political subdivision thereof;

3 (12) Integrated system means a health and human service
4 organization offering different levels of licensed care or
5 treatment on the same premises;

6 ~~(9)~~ (13) Internship shall mean means that aspect of the
7 educational program of the associate degree in long-term care
8 administration which allows for practical experience in a home for
9 the aged or infirm or nursing home and occurs under the supervision
10 of a certified preceptor; ~~and~~

11 ~~(10)~~ (14) License shall mean means permission to engage
12 in nursing home administration which would otherwise be unlawful in
13 this state in the absence of such permission and which is granted
14 to individuals who meet prerequisites and qualifications that allow
15 them to perform nursing home administration tasks and use the title
16 nursing home administrator;

17 (15) Nursing degree means a degree or diploma in nursing
18 from an accredited program of professional nursing approved by the
19 Board of Nursing;

20 (16) Previous work experience means at least two years'
21 experience working full time in a nursing home or home for the aged
22 or infirm or previous work experience in health care
23 administration; and

24 (17) Previous work experience in health care
25 administration means at least two years' experience working full
26 time as an administrator or director of nursing of a hospital with
27 a long-term care unit or assisted living facility or director of
28 nursing in a nursing home or home for the aged or infirm.

1 Sec. 2. Section 71-6054, Revised Statutes Supplement,
2 1998, is amended to read:

3 71-6054. (1)(a) The board shall issue a license to an
4 applicant who submits (i) satisfactory evidence of completion of
5 (A) an associate degree, which includes the core educational
6 requirements, and or its equivalent in long-term care
7 administration, allied health, or human services, including
8 completion of one two-credit-hour course in each of the following
9 areas: General administration, social gerontology, health problems
10 of the aged, patient services and care, health and social service
11 delivery systems, and a seminar on contemporary developments in
12 aging, including the federal Older Americans Act, as now or
13 hereafter amended, (ii) satisfactory evidence of completion of an
14 administrator-in-training program under a certified preceptor,
15 (iii) (B) a degree or an advanced degree and a mentoring program
16 under a certified preceptor, (C) a nursing degree, previous work
17 experience in health care administration, and a mentoring program
18 under a certified preceptor, (D) a degree or an advanced degree in
19 health care, health care administration, or services and previous
20 work experience in health care administration, or (E) an associate
21 degree, previous work experience, and a mentoring program under a
22 certified preceptor, (ii) evidence of successful passage of the
23 National Association of Boards of Examiners for Nursing Home
24 Administration written examination and a state examination that
25 covers applicable state statutes and rules and regulations adopted
26 and promulgated by the department as approved by the board, and
27 (iv) (iii) his or her social security number. 7 except that two
28 years of successful experience as an administrator of an

1 ~~assisted-living~~ facility of at least one hundred residents,
2 immediately preceding application for licensure, may be considered
3 equivalent to the requirements prescribed in subdivision (ii) of
4 this subdivision. The board shall evaluate the experience of an
5 applicant requesting the substitution of the requirements listed in
6 subdivision (ii) of this subdivision with two years of experience
7 and shall obtain the affidavit of at least two licensed nursing
8 home administrators in Nebraska testifying that the applicant is of
9 good moral character and in good standing as an administrator of an
10 ~~assisted-living~~ facility. In no case shall the board accept such
11 substitution if the ~~assisted-living~~ facility while under the
12 direction and administration of the applicant had its license
13 ~~suspended, denied, or revoked.~~ The board shall license
14 administrators in accordance with sections 71-6053 to 71-6068 and
15 standards, rules, and regulations adopted and promulgated by the
16 board pursuant to such sections. The license shall not be
17 transferable or assignable. Each ~~and each~~ administrator shall be
18 full time and responsible for the operation of only one licensed
19 facility or one integrated system. Administrators overseeing the
20 operations of an integrated system are subject to disciplinary
21 action against their license for any regulatory violations within
22 such integrated system.

23 (b) Notwithstanding the provisions of sections 71-6053 to
24 71-6068, the board shall issue a license as a nursing home
25 administrator to an applicant who will function as the
26 administrator of a facility caring primarily for persons with head
27 injuries and associated disorders who submits satisfactory evidence
28 that he or she (i) has at least two years of experience working

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

22 A license issued pursuant to this subdivision shall be
23 issued without examination and without the requirement of
24 completion of an administrator-in-training or mentoring program.
25 Such license may be renewed without the completion of any
26 continuing education requirements.

27 (2) If an applicant for an initial license files an
28 application for licensure within ninety days prior to the biennial

1 renewal date of the license, the applicant may either:

2 (a) Request that the department delay the processing of
3 the application and the issuance of the license until the biennial
4 renewal date and pay only the fee for initial licensure; or

5 (b) Request that a license which will be valid until the
6 next subsequent renewal date be issued immediately and pay the fee
7 for initial licensure and an additional fee of one-fourth of the
8 biennial fee.

9 (3) Licenses may be denied, suspended, limited, refused
10 renewal, or revoked by the department for due cause which shall
11 include: (a) Fraud in procuring a license; (b) immoral,
12 unprofessional, or dishonorable conduct; (c) habitual intoxication
13 or addiction to the use of drugs; (d) distribution of intoxicating
14 liquors or drugs for other than lawful purposes; (e) conviction of
15 a felony; (f) physical or mental incapacity to perform professional
16 duties; (g) violation of any provision of sections 71-6053 to
17 71-6068 or standards, rules, and regulations adopted and
18 promulgated thereunder or of any law or standards, rules, and
19 regulations adopted and promulgated by the department relating to
20 the proper administration and management of a home for the aged or
21 infirm or nursing home; (h) commission of any of the acts or
22 offenses set forth in sections 71-147 and 71-148; and (i) failure
23 to pay the required fees. Except in cases of failure to pay the
24 required fees, no license shall be denied, suspended, limited,
25 refused renewal, or revoked except after due notice and opportunity
26 for a hearing. Disciplinary actions and proceedings shall be
27 conducted as specified in the Uniform Licensing Law. Any denial,
28 suspension, limitation, refusal of renewal, or revocation of such

1 license may be appealed, and the appeal shall be in accordance with
 2 the Administrative Procedure Act. A person whose license has been
 3 revoked, suspended, or limited may petition the board for
 4 reinstatement in the manner provided by sections 71-161.04 to
 5 71-161.06.

6 Sec. 3. Section 71-6055, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 71-6055. (1) Except as provided in ~~subdivision~~
 9 subdivisions (1)(a)(i)(D) and (1)(b) of section 71-6054, in order
 10 for a person to become a nursing home administrator, he or she
 11 shall complete an administrator-in-training program. ~~Such training~~
 12 or mentoring program. The administrator-in-training program shall
 13 occur in a home for the aged or infirm or nursing home under the
 14 direct supervision of a certified preceptor, and it may be gained
 15 as an internship which is part of an approved associate degree.
 16 The mentoring program shall occur in a home for the aged or infirm
 17 or nursing home under a certified preceptor, and it may be gained
 18 as an internship which is part of an approved degree or advanced
 19 degree. In the mentoring program, the certified preceptor is not
 20 required to be at the facility and the person in the mentoring
 21 program may apply for a provisional license. The certified
 22 preceptor must be available to assist with any questions or
 23 problems the person in the mentoring program may encounter. ~~in~~
 24 ~~long-term care administration or, until January 17, 1992, after~~
 25 ~~receipt of the associate degree in long-term care administration.~~

26 (2) An applicant may begin his or her
 27 administrator-in-training or mentoring program upon application to
 28 the board with the required fee provided for in section 71-6061,

1 evidence that he or she has completed at least ~~seventy~~ fifty
 2 percent of the core educational ~~hours identified in subdivision~~
 3 ~~(1)(a)(i) of section 71-6054 requirements,~~ and evidence of an
 4 agreement between the certified preceptor and the applicant for at
 5 least six hundred forty hours of training and experience, to be
 6 gained in not less than four months. Such training shall occur in
 7 a Nebraska-licensed home for the aged or infirm or nursing home
 8 under ~~the direct supervision of~~ a certified preceptor.

9 (3) Upon approval by the board to begin the
 10 administrator-in-training or mentoring program, the certified
 11 preceptor shall report to the board that the
 12 administrator-in-training or the applicant for the mentoring
 13 program has successfully completed each component of the board's
 14 approved administrator-in-training or mentoring program. At the
 15 end of the administrator-in-training or mentoring program, the
 16 preceptor shall report to the board if the applicant has minimum
 17 competencies as defined in the board's approved course for the
 18 program. If the preceptor cannot make such a report, the applicant
 19 must continue in the program until such competencies are achieved
 20 or must reapply for another program. The ~~and the~~
 21 administrator-in-training or the person in the mentoring program
 22 shall submit to the department a progress report describing the
 23 nature and extent of the training completed to date by the fifth
 24 day of each month of the duration of the training.

25 (4)(a) The administrator-in-training or mentoring program
 26 shall occur under the supervision of a certified preceptor. ~~In~~
 27 ~~order~~ An applicant to become a certified preceptor ~~an applicant~~
 28 shall (i) be currently licensed ~~and practicing~~ as a nursing home

1 administrator in the State of Nebraska, (ii) have three years of
2 experience as a nursing home administrator in the five years
3 immediately preceding certification, and (iii) complete a preceptor
4 training course approved by the board.

5 (b)(i) All preceptor certificates shall expire ~~three~~
6 ~~years after issuance~~ on December 31 of every fourth year beginning
7 December 31, 2000. The procedures for renewal shall be in the same
8 manner as section 71-6061. Each certified preceptor shall, in the
9 period since his or her certificate was issued or last renewed,
10 complete at least twelve hours of preceptor training approved by
11 the board. Each certified preceptor shall submit evidence, on
12 forms provided by the department, that he or she has satisfied the
13 requirements of this subsection before his or her certificate is
14 renewed. Such evidence shall be submitted at the time application
15 for renewal of a certificate is made. Before renewal the board
16 shall review the performance of each certified preceptor. Such
17 review may include reviewing survey and complaint information,
18 student evaluations, and any other related information. If the
19 board determines that the certified preceptor's past performance is
20 not satisfactory, the board may deny the application for renewal.

21 (ii) When any certificate holder fails, within thirty
22 days of the expiration of a certificate, to submit the twelve hours
23 of preceptor training, the department shall revoke such certificate
24 after notice and opportunity for hearing. In order for a preceptor
25 certification to be reinstated, the applicant must meet the
26 requirements of this subsection.

27 Sec. 4. Section 71-6056, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 71-6056. The board may issue a license to any person who
2 passes the state examination specified in subdivision (1)(a)(ii)
3 ~~(iii)~~ of section 71-6054 and who holds a current nursing home
4 administrator license from another jurisdiction.

5 Sec. 5. Section 71-6058, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-6058. Any person desiring to take the examination for
8 a license shall ~~make application~~ apply to the board at least thirty
9 days prior to examination on a form provided by the department and
10 sworn to by the applicant. Such application shall be accompanied
11 by the examination fee and such documents and affidavits as are
12 necessary to show the eligibility of the candidates to take such
13 examination. An applicant may request to take the next regularly
14 scheduled examination any time after receiving notification of
15 registration as an administrator-in-training or person in a
16 mentoring program, but the license shall not be issued until the
17 board receives documentation of completion of the
18 administrator-in-training or mentoring program and completion of
19 all licensure requirements.

20 Sec. 6. Section 71-6060, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-6060. (1) Each administrator holding an active
23 license shall be required on or before December 31 of each
24 even-numbered year, commencing in 1986, to attend at least fifty
25 hours biennially of approved schools, clinics, forums, lectures, or
26 educational seminars relating to health care administration as may
27 be announced and approved by the board within the State of Nebraska
28 or by the governing board, agency, or department in some other

1 state or territory or the District of Columbia as prerequisite for
2 the Nebraska licensee's next subsequent biennial license renewal.
3 Each licensee shall certify on an affidavit form provided by the
4 department that he or she has complied with the requirements set
5 forth in this section during the preceding two-year period. The
6 sworn affidavit shall contain a listing of continuing education
7 activities which he or she participated in or attended, the amount
8 of credit received for each activity, and the date, location, and
9 name of the approved provider which sponsored the activity on a
10 separate form or portion of the license renewal application as may
11 be designated by the department. Each licensee shall be
12 responsible for maintaining in his or her personal files such
13 certificates of records of credit from continuing education
14 activities received from approved providers. Licensees who have
15 not complied with such requirements shall not be issued a renewal
16 license unless exempt for any of the following reasons:

17 (a) The licensee served in the regular armed forces of
18 the United States during any part of the twenty-four months
19 immediately preceding the Nebraska license renewal date;

20 (b) The licensee submits proof that he or she was
21 suffering from a serious or disabling illness or physical
22 disability which prevented his or her attendance at any approved
23 school, clinic, forum, lecture, or educational seminar within the
24 State of Nebraska or any other state or territory or the District
25 of Columbia during the twenty-four months immediately preceding the
26 Nebraska license renewal date;

27 (c) The licensee was first licensed within the
28 twenty-four months immediately preceding the Nebraska license

1 renewal date; or

2 (d) The licensee did not reside in Nebraska during the
3 twenty-four months immediately preceding the Nebraska license
4 renewal date.

5 (2) When an individual licensed pursuant to sections
6 71-6053 to 71-6068 desires to have his or her license on inactive
7 status upon its expiration, he or she shall notify the department
8 of such desire in writing and pay a fee of thirty-five dollars.
9 The department shall notify the licensee in writing of the
10 acceptance or denial of the request to allow the license to be
11 placed on inactive status. When the license is placed on inactive
12 status, the licensee shall not engage in the practice of nursing
13 home administration. A license may remain on inactive status for
14 an indefinite period of time. In order to move a license from
15 inactive to active status, an individual shall complete the
16 continuing education requirements in effect at the time he or she
17 wishes to regain active status and pay the renewal fee then due.

18 (3) Providers of continuing education or licensees may
19 submit courses for review and approval by the board. Each provider
20 or licensee ~~making application~~ applying for approval of continuing
21 education courses shall pay an application fee of thirty-five
22 dollars for each program, seminar, or course submitted for review.
23 Such fee shall be retained by the board and disposed of in the
24 manner specified in section 71-6061.

25 Sec. 7. Section 71-6061, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 71-6061. (1) Every administrator shall be licensed by
28 the board. All licenses, except provisional licenses, shall be

1 renewed in each even-numbered year beginning in 1988 upon the
 2 payment of the renewal fee. Procedures for renewal and for
 3 assessment of additional fees for late renewal shall be in
 4 accordance with section 71-110. All fees collected under this
 5 section shall be payable to the department and shall then be paid
 6 monthly by the department to the State Treasurer who shall keep the
 7 same in a special fund to be known as the Board of Examiners in
 8 Nursing Home Administration Fund, which fund shall be used and
 9 expended by the department to pay the compensation and travel
 10 expenses of members and employees of the board and other expenses
 11 necessary for the board to administer and carry out sections
 12 71-6053 to 71-6068.

13 (2) The fees to be paid by the applicants and licensees
 14 shall be as follows:

15 (a) Fee for initial licensure	
16 examination (nonrefundable)	\$100.00
17 (b) Fee for initial license	\$250.00
18 (c) Fee for examination by reciprocity	
19 (nonrefundable)	\$ 50.00
20 (d) Fee for reciprocity license	\$250.00
21 (e) Application for provisional license	
22 valid for a period of only one hundred eighty	
23 calendar days (nonrefundable)	\$100.00
24 (f) Preceptor certification fee	\$ 25.00
25 (g) Administrator-in-training certificate fee	\$ 50.00
26 (h) Fee for renewal of an active license	\$350.00
27 (i) License reinstatement fee	\$ 10.00
28 (j) Application fee for approval of a	

1	continuing education course	\$ 35.00
2	(k) Fee for certification of a statement	
3	that a licensee is licensed in this state	\$ 5.00
4	(l) Fee for a duplicate original license	\$ 5.00
5	(m) <u>Mentoring certificate fee</u>	<u>\$ 50.00</u>

6 Sec. 8. Section 71-6063, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-6063. ~~In the event that a~~ (1) If there is a vacancy
9 in the position of licensed administrator of a home for the aged or
10 infirm or nursing home, is removed from his or her position, the
11 owner, governing body, or other appropriate authority of the home
12 for the aged or infirm ~~suffering such removal~~ may designate an
13 acting administrator of a home for the aged or infirm who may serve
14 only if he or she has been or nursing home select a person to apply
15 for a provisional license. If such person is issued a provisional
16 license by the board, he or she and then such person may serve as
17 administrator for no more than one hundred eighty calendar days.
18 The board may issue a provisional license to engage in nursing home
19 administration to an individual not otherwise qualified in order to
20 ~~enable him or her to~~ maintain operations of the facility. Such
21 provisional license shall be valid for no more than one hundred
22 eighty calendar days. The board may grant an extension not to
23 exceed ninety days if the person seeking the provisional license is
24 in the mentoring program.

25 (2) A person receiving a provisional license must meet
26 the following minimum qualifications: (a) Be at least twenty-one
27 years of age; (b) be employed on a full-time basis of not less than
28 forty hours per week to perform the duties of the nursing home

1 administrator; and (c) have no history of unprofessional conduct or
2 denial or disciplinary action against a nursing home administrator
3 license or a license to practice any other profession by any lawful
4 licensing authority for reasons outlined in subsection (3) of
5 section 71-6054.

6 (3) The board may issue a provisional nursing home
7 administrator license to an individual who has applied for a
8 mentoring program. Such provisional license will allow the
9 applicant to serve as administrator in the specified facility for
10 one hundred eighty calendar days and may not be renewed.

11 Sec. 9. Section 71-6065, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-6065. (1) ~~There is hereby created, under the~~
14 ~~supervision of the department, the~~ The Board of Examiners in
15 Nursing Home Administration which is created. The board shall be
16 under the supervision of the department and shall consist of the
17 Director of Regulation and Licensure or his or her designated
18 representative, the Director of Health and Human Services or his or
19 her designated representative, the Director of Finance and Support
20 or his or her designated representative, and the following members
21 appointed by the State Board of Health: (a) Two members who hold
22 active licenses and are currently employed in the management,
23 operation, or ownership of proprietary homes for the aged or infirm
24 or nursing homes that serve the aged or infirm in Nebraska; (b) two
25 members who hold active licenses and are currently employed in the
26 management or operation of a nonprofit home for the aged or infirm
27 or nursing home or hospital caring for chronically ill or infirm,
28 aged patients; (c) one member who is a member of the faculty of a

1 college or university located in the state who is actively engaged
2 in a teaching program relating to business administration, social
3 work, gerontology, or some other aspect of the administration of
4 health care facilities; (d) one member who is a licensed physician
5 and surgeon with a demonstrated interest in long-term care; (e) one
6 member who is a licensed registered professional nurse; (f) the
7 long-term care ombudsman; and ~~(f)~~ (g) two members who are
8 laypersons, at least the age of majority, residents of this state
9 for at least five years preceding appointment, and representative
10 of consumer viewpoints. The members of the board shall serve as
11 members of such board until the expiration of their respective
12 terms or until their successors have been appointed and qualified.
13 Each appointed member who is an administrator shall be licensed
14 pursuant to sections 71-6053 to 71-6068.

15 (2) The appointed members shall be appointed for terms of
16 three years, and the terms shall be staggered so that the terms of
17 three appointed members of the board expire each year. The term of
18 each member shall commence on the first day of December following
19 the expiration of the term of the member whom such person succeeds.
20 A vacancy in any appointive position on the board shall be filled
21 for the unexpired portion of the term by appointment by the State
22 Board of Health in the same manner as original appointments are
23 made. Appointed members shall serve until their successors are
24 appointed and qualified.

25 (3) The State Board of Health shall have power to remove
26 from office at any time any member of the board after a public
27 hearing pursuant to the Administrative Procedure Act for physical
28 or mental incapacity to carry out the duties of a board member, for

1 continued neglect of duty, for incompetency, for acting beyond the
2 individual member's scope of authority, for malfeasance in office,
3 for any cause for which a license may be suspended or revoked, or
4 for a lack of licensure.

5 (4) The department shall adopt and promulgate rules and
6 regulations which establish definitions of conflicts of interest
7 for members of the board and which establish procedures in the case
8 such a conflict arises.

9 Sec. 10. Section 71-6067, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-6067. ~~It shall be the duty of the board to~~ The board
12 shall:

13 (1) Develop, impose, and enforce standards which shall be
14 met by individuals in order to receive a license, which standards
15 shall be designed to insure that such administrators will be
16 individuals who are of good character and are otherwise suitable
17 and who, by training or experience in the field of institutional
18 administration, are qualified to serve as administrators;

19 (2) Develop and apply appropriate techniques, including
20 examinations, for determining whether an individual meets such
21 standards;

22 (3) Issue licenses to individuals determined, after the
23 application of such techniques, to meet such standards and
24 recommend to revoke or suspend licenses previously issued by the
25 board in any case in which the individual holding any such license
26 failed to conform to such standards;

27 (4) Establish and carry out procedures designed to insure
28 that individuals licensed as administrators will, during any period

1 that they serve as such, comply with the requirements of such
2 standards;

3 (5) Adopt and promulgate rules and regulations governing
4 continuing education and renewal and reinstatement procedures for
5 licensure;

6 (6) Adopt and promulgate rules and regulations governing
7 administrator-in-training and mentoring programs, including, but
8 not limited to, matters such as (a) qualifications for
9 administrators-in-training and persons in the mentoring program,
10 (b) qualifications and evaluation standards for certified
11 preceptors, (c) methods of instruction and supervision, (d) methods
12 of documentation, and (e) reporting requirements;

13 (7) Conduct a continuing study and investigation of homes
14 for the aged or infirm and nursing homes and administrators of such
15 facilities within the state with a view to the improvement of the
16 standards imposed for the licensing of such administrators and of
17 procedures and methods for the enforcement of such standards; and

18 (8) Conduct or cause to be conducted by making use of the
19 resources available one or more courses of instruction and training
20 sufficient to meet the requirements of sections 71-6053 to 71-6068
21 and make provisions for such courses and their accessibility to
22 residents of this state unless it finds that there are a sufficient
23 number of approved courses which are taught by others ~~within~~ in
24 this state. In lieu thereof, the board may approve courses taught
25 ~~within and without~~ in and outside this state as sufficient to meet
26 the education and training requirements of such sections. For
27 purposes of this subdivision, the board shall have the authority to
28 receive and disburse federal funds received pursuant to section

1 1908(e)(1) of the federal Social Security Act, as amended.

2 Sec. 11. Original sections 71-6053, 71-6055, 71-6056,
3 71-6058, 71-6060, 71-6061, 71-6063, 71-6065, and 71-6067, Reissue
4 Revised Statutes of Nebraska, and section 71-6054, Revised Statutes
5 Supplement, 1998, are repealed.