

HOUSE BILL NO. 211

INTRODUCED BY ADDY

BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
JANUARY 17, 1989 .	FIRST READING.
JANUARY 26, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 27, 1989	PRINTING REPORT.
JANUARY 28, 1989	SECOND READING, DO PASS AS AMENDED.
JANUARY 30, 1989	ENGROSSING REPORT.
JANUARY 31, 1989	THIRD READING, PASSED. AYES, 76; NOES, 23.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 17, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 18, 1989	SECOND READING, CONCURRED IN.
MARCH 21, 1989	THIRD READING, CONCURRED IN. AYES, 44; NOES, 5.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 30, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 31, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 211
2 INTRODUCED BY Adley
3 BY REQUEST OF THE DEPARTMENT OF COMMERCE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN APPLICANT
6 FOR LICENSURE AS A NURSING HOME ADMINISTRATOR TO SATISFY THE
7 EDUCATION AND EXPERIENCE REQUIREMENTS BY PRESENTING EVIDENCE
8 OF A BACCALAUREATE DEGREE AND FIELD EXPERIENCE; AND AMENDING
9 SECTION 37-9-301, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 37-9-301, MCA, is amended to read:

13 "37-9-301. Qualifications for licensure --
14 examination. (1) The department shall register and issue
15 licenses to qualified persons as nursing home
16 administrators, and the board shall establish qualification
17 criteria for nursing home administrators. No registration or
18 license shall be issued to a person as a nursing home
19 administrator unless he:

20 (a) is of good character, of sound physical and mental
21 health, has received a high school diploma or its
22 equivalent;

23 (b) (i) has satisfactorily completed a course of
24 instruction and training prescribed by the board, which
25 shall be designed and administered to present sufficient

1 knowledge of the needs properly served by long-term care
2 facilities, laws governing the operation of long-term care
3 facilities and the protection of the interests of patients,
4 and the elements of good nursing home administration; or
5 (ii) has presented evidence satisfactory to the board
6 of sufficient education, including a baccalaureate degree,
7 training, or and experience in the foregoing fields referred
8 to in subsection (1)(b)(i) to administer, supervise, and
9 manage a long-term care facility; and

10 (c) has passed an examination designed to test for
11 competence in the subject matters referred to in subsection
12 (1)(b)(i).

13 (2) The minimum standards for qualification shall
14 comply with the requirements, if any, set forth in Title XIX
15 of the Social Security Act (P.L. 90-248, 1967), as amended."

16 **NEW SECTION. Section 2.** Extension of authority. Any
17 existing authority to make rules on the subject of the
18 provisions of [this act] is extended to the provisions of
19 [this act].

-End-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

HOUSE BILL NO. 211

INTRODUCED BY ADDY

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN APPLICANT FOR LICENSURE AS A NURSING HOME ADMINISTRATOR TO SATISFY THE EDUCATION AND EXPERIENCE REQUIREMENTS BY PRESENTING EVIDENCE OF A BACCALAUREATE DEGREE AND FIELD EXPERIENCE; AND AMENDING SECTION 37-9-301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-9-301, MCA, is amended to read:

"37-9-301. Qualifications for licensure --
examination. (1) The department shall register and issue licenses to qualified persons as nursing home administrators, and the board shall establish qualification criteria for nursing home administrators. No registration or license shall be issued to a person as a nursing home administrator unless he:

(a) is of good character, of sound physical and mental health, has received a high school diploma or its equivalent;

(b) (i) has satisfactorily completed a course of instruction and training prescribed by the board, which shall be designed and administered to present sufficient

knowledge of the needs properly served by long-term care facilities, laws governing the operation of long-term care facilities and the protection of the interests of patients, and the elements of good nursing home administration; or

(ii) has presented evidence satisfactory to the board of sufficient 2 YEARS OF education, including--a baccalaureate-degree, training, or and experience in the foregoing fields referred to in subsection (1)(b)(i) to administer, supervise, and manage a long-term care facility; and

(c) has passed an examination designed to test for competence in the subject matters referred to in subsection (1)(b)(i).

(2) The minimum standards for qualification shall comply with the requirements, if any, set forth in Title XIX of the Social Security Act (P.L. 90-248, 1967), as amended."

NEW SECTION. SECTION 2. GRANDFATHER CLAUSE. A PERSON LICENSED AS A NURSING HOME ADMINISTRATOR ON [THE EFFECTIVE DATE OF THIS ACT] DOES NOT HAVE TO PRESENT EVIDENCE SATISFACTORY TO THE BOARD OF 2 YEARS OF EDUCATION AS REQUIRED BY 37-9-301(1)(B)(II) IN ORDER TO RENEW HIS LICENSE AS A NURSING HOME ADMINISTRATOR.

NEW SECTION. Section 3. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of

HB 0211/02

1 [this act].

-End-

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INTRODUCED BY ADDY

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN APPLICANT FOR LICENSURE AS A NURSING HOME ADMINISTRATOR TO SATISFY THE EDUCATION AND EXPERIENCE REQUIREMENTS BY PRESENTING EVIDENCE OF ~~A--BACCALAUREATE--DEGREE~~ 2 YEARS OF EDUCATION AND FIELD EXPERIENCE; AND AMENDING SECTION 37-9-301, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill to clarify the extension of existing authority to make rules on the subject of the provisions of this act.

It is the intent of this legislature that the board of nursing home administrators adopt rules governing the qualifications for licensure as a nursing home administrator, which qualifications are reasonably related to the performance of the functions normally carried out by those serving as nursing home administrators.

Any course of instruction, training, or education prescribed by the board should be related to the performance of the functions normally carried out by those employed as nursing home administrators and the protection of patients cared for in nursing homes.

~~"Education"--as prescribed should not be interpreted to mean only formal post-secondary education in a college or university, but also other types of educational training and courses, including continuing education courses approved by the board. It is also the intent of the legislature that the board not require a baccalaureate degree unless the federal government mandates such a degree for purposes of the state receiving federal financial participation for medicare.~~

The intent of the legislature is not to exclude qualified individuals because they do not meet an arbitrary standard that does not bear a strong relationship to expected job performance, but to exclude only those who are truly unqualified in the judgment of the board. The legislature intends that the written examination provided for in subsection (1)(c) of [the act] provides additional protection to the public in screening out unqualified candidates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-9-301, MCA, is amended to read:

"37-9-301. Qualifications for licensure -- examination. (1) The department shall register and issue licenses to qualified persons as nursing home administrators, and the board shall establish qualification criteria for nursing home administrators. No registration or

1 license shall be issued to a person as a nursing home
2 administrator unless he:

3 (a) is of good character, of sound physical and mental
4 health, has received a high school diploma or its
5 equivalent; AND

6 (b) (i) has satisfactorily completed a course of
7 instruction and training prescribed by the board, which
8 shall be designed and administered to present sufficient
9 knowledge of the needs properly served by long-term care
10 facilities, laws governing the operation of long-term care
11 facilities and the protection of the interests of patients,
12 and the elements of good nursing home administration; or

13 (ii) has presented evidence satisfactory to the board
14 of sufficient 2-YEARS-OF SUFFICIENT education, including--a
15 baccalaureate--degree training, or and OR experience, OR A
16 COMBINATION OF EDUCATION, TRAINING, AND EXPERIENCE in the
17 foregoing fields referred to in subsection (1)(b)(i) to
18 administer, supervise, and manage a long-term care facility;
19 and

20 (c) has passed an examination designed to test for
21 competence in the subject matters referred to in subsection
22 (1)(b)(i).

23 (2) The minimum standards for qualification shall
24 comply with the requirements, if any, set forth in Title XIX
25 of the Social Security Act (P.L. 90-248, 1967), as amended."

1 NEW SECTION. SECTION 2. GRANDFATHER CLAUSE. A PERSON
2 LICENSED AS A NURSING HOME ADMINISTRATOR ON [THE EFFECTIVE
3 DATE OF THIS ACT] DOES NOT HAVE TO PRESENT EVIDENCE
4 SATISFACTORY TO THE BOARD OF 2 YEARS OF EDUCATION AS
5 REQUIRED BY 37-9-301(1)(B)(II) IN ORDER TO RENEW HIS LICENSE
6 AS A NURSING HOME ADMINISTRATOR.

7 NEW SECTION. Section 3. Extension of authority. Any
8 existing authority to make rules on the subject of the
9 provisions of [this act] is extended to the provisions of
10 [this act].

-End-

SENATE STANDING COMMITTEE REPORT

March 17, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration HB 211 (third reading copy -- blue), respectfully report that HB 211 be amended and as so amended be concurred in:

Sponsor: Addy (Bengtson)

1. Title, lines 8 and 9.

Following: "~~DEGREE~~"

Strike: remainder of line 8 through "EXPERIENCE" on line 9

Insert: "SUFFICIENT EDUCATION, TRAINING, OR EXPERIENCE, OR A
COMBINATION OF EDUCATION, TRAINING, AND EXPERIENCE"

2. Page 4, line 4.

Following: "BOARD OF"

Strike: "2 YEARS OF"

Insert: "sufficient"

AND AS AMENDED BE CONCURRED IN

Signed: _____

Farrell
William E. Farrell, Chairman

HB 211
SENATE

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Any course of instruction, training, or education prescribed by the board should be related to the performance of the functions normally carried out by those employed as

nursing home administrators and the protection of patients cared for in nursing homes.

~~"Education"--prescribed--should--not--be--interpreted--to mean--only--formal--post-secondary-education-in-a-college-or university--but--also--other--types--of--educational--training--and courses--including--continuing-education--courses--approved--by the--board.~~ It is also the intent of the legislature that the board not require a baccalaureate degree unless the federal government mandates such a degree for purposes of the state receiving federal financial participation for medicare.

The intent of the legislature is not to exclude qualified individuals because they do not meet an arbitrary standard that does not bear a strong relationship to expected job performance, but to exclude only those who are truly unqualified in the judgment of the board. The legislature intends that the written examination provided for in subsection (1)(c) of [the act] provides additional protection to the public in screening out unqualified candidates.

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10 shall be designed and administered to present sufficient
11 knowledge of the needs properly served by long-term care
12 facilities, laws governing the operation of long-term care
13 facilities and the protection of the interests of patients,
14 and the elements of good nursing home administration; or

15 (ii) has presented evidence satisfactory to the board
16 of sufficient 2-YEARS-OF SUFFICIENT education, ~~including a~~
17 ~~baccalaureate-degree,~~ training, or ~~and~~ OR experience, OR A
18 COMBINATION OF EDUCATION, TRAINING, AND EXPERIENCE in the
19 foregoing fields referred to in subsection (1)(b)(i) to
20 administer, supervise, and manage a long-term care facility;
21 and

22 (c) has passed an examination designed to test for
23 competence in the subject matters referred to in subsection
24 (1)(b)(i).

25 (2) The minimum standards for qualification shall

1 comply with the requirements, if any, set forth in Title XIX
2 of the Social Security Act (P.L. 90-248, 1967), as amended."

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4 LICENSED AS A NURSING HOME ADMINISTRATOR ON [THE EFFECTIVE
5 DATE OF THIS ACT] DOES NOT HAVE TO PRESENT EVIDENCE
6 SATISFACTORY TO THE BOARD OF 2-YEARS-OF SUFFICIENT EDUCATION
7 AS REQUIRED BY 37-9-301(1)(B)(II) IN ORDER TO RENEW HIS
8 LICENSE AS A NURSING HOME ADMINISTRATOR.

9 NEW SECTION. Section 3. Extension of authority. Any
10 existing authority to make rules on the subject of the
11 provisions of [this act] is extended to the provisions of
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-End-