



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

April 15, 2021

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #19-140-LR)
Legislative Service Bureau (Secretary of State Filing #21-04-11)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-140-LR (Secretary of State Filing #21-04-11) on this date at 12:32 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Nursing Home Administrators– General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

Melissa Malerman /CK

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

April 15, 2021

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2019-140 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated October 2, 2020 for the Department of Licensing & Regulatory Affairs “**Nursing Home Administrators - General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated October 2, 2020, amending R 339.14005, R 339.14008, R 339.14012, R 339.14020, R 339.14020a, R 339.14022, R 339.14024, R 339.14026, and R 339.14026a, adding R 339.14003, and rescinding R 339.14013 of the Department's rules entitled "Nursing Home Administrators General Rules." I approve the rules as to form, classification, and arrangement.

Dated: December 23, 2020

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated October 2, 2020, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “Nursing Home Administrators - General Rules” by:

- ◆ Amending R 339.14005, R 339.14008, R 339.14012, R 339.14020, R 339.14020a, R 339.14022, R 339.14024, R 339.14026, and R 339.14026a.
- ◆ Adding R 339.14003.
- ◆ Rescinding R 339.14013.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: January 4, 2021

Michigan Office of Administrative Hearings and Rules

By: 

Katie Wienczewski,
Attorney



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16145, 16148, 16178, 16287, and 17309 of the Public Health Code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16178, 333.16287, and 333.17309 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL- 338.3501, 445.2001, 445.2011, and 445.2030.

R 339.14005, R 339.14008, R 339.14012, R 339.14020, R 339.14020a, R 339.14022, R 339.14024, R 339.14026, and R 339.14026a of the Michigan Administrative Code are amended, R 339.14003 is added, and R 339.14013 is rescinded.

Date: 4-5-2021

Adopted by: 

Orlene Hawks

Director

Department of Licensing and Regulatory Affairs

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

NURSING HOME ADMINISTRATORS

GENERAL RULES

Filed with the secretary of state on April 15, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16178, 16287, and 17309 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16178, 333.16287, and 333.17309 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 339.14005, R 339.14008, R 339.14012, R 339.14020, R 339.14020a, R 339.14022, R 339.14024, R 339.14026, and R 339.14026a of the Michigan Administrative Code are amended, R 339.14003 is added, and R 339.14013 is rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.14003 Telehealth.

Rule 3. (1) Consent must be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.

(2) Evidence of the consent obtained pursuant to subrule (1) of this rule must be maintained in a patient's medical record and retained in compliance with section 16213 of the code, MCL 333.16213.

(3) A nursing home administrator providing a telehealth service shall do both of the following:

(a) Act within the scope of his or her practice.

(b) Exercise the same standard of care applicable to a traditional, in-person health care service.

PART 2. EDUCATION

R 339.14005 Accreditation standards; adoption by reference.

Rule 5. (1) The department, in consultation with the board, adopts by reference the procedures and criteria for recognizing accrediting organizations of the council of higher education accreditation (CHEA), effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of

Education, effective July 1, 2010, as contained in 34 CFR part 602 (2010). The CHEA recognition standards may be obtained from the council's website at <http://www.chea.org> at no cost. The federal recognition criteria may be obtained at no cost from the United States Department of Education's website at: <http://www.ed.gov>.

(2) Copies of the standards and criteria recognizing accrediting agencies used by CHEA and the department of education are available for inspection and distribution at cost of 10 cents per page from the Board of Nursing Home Administrators, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

PART 3. LICENSURE

R 339.14008 Application for nursing home administrator license; requirements.

Rule 8. (1) The department shall issue a nursing home administrator license to an applicant who, in addition to satisfying the requirements of the code, satisfies all of the following:

- (a) Submits a completed application on a form provided by the department.
- (b) Pays the required fee to the department.
- (c) Complies with either of the following:

- (i) Completed a course of instruction and training that meets the requirements of R 339.14007.

- (ii) Had been employed as a chief executive or administrative officer at a state-licensed hospital for not less than 5 of the 7 years immediately preceding the date of applying for a nursing home administrator license, as provided in section 17309(3) of the code, MCL 333.17309.

(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant shall, within 2 years after the date of the application, pass both of the following examinations:

- (a) The National Association of Long-term Care Administrator Board's (NAB) Core of Knowledge Examination for Long Term Care Administrators (CORE) administered by the professional examination service of the NAB or its successor organization, pursuant to R 339.14011.

- (b) The NAB National Nursing Home Administrators Line of Service Examination (NHA LOS) administered by the professional examination service of the NAB or its successor organization, pursuant to R 339.14011.

(3) An applicant may sit for the CORE and the NHA LOS examinations a maximum of 4 times each.

R 339.14012 Training standards for identifying victims of human trafficking; requirements.

Rule 12. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content must cover all of the following:

- (i) Understanding the types and venues of human trafficking in Michigan or the United States.

- (ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally recognized or state-recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training include any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to all license renewals and for initial licenses issued on or after March 17, 2021.

R 339.14013 Rescinded.

R 339.14020 Relicensure.

Rule 20. An applicant for relicensure whose Michigan license has lapsed, under the provisions of 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements as noted by (√):

(1) An applicant who has let his or her Michigan license lapse and who does not hold a current and valid nursing home administrator license in another state of the United States or province of Canada:	Lapsed 0-3 Years.	Lapsed More than 3 Years.
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(a) Submits a completed application on a form provided by the department, together with the requisite fee.	√	√
(b) Establishes that the applicant is of good moral character.		√
(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.		√
(d) Passed the CORE and NHA LOS examinations.		√
(e) Completed 36 hours of approved continuing education credits as required by R 339.14022 and R 339.14024 during the 2 years immediately preceding the application for relicensure.	√	√
(f) If applicable, provide proof of any nursing home administrator license previously held: An applicant's nursing home administrator license in good standing must be verified by the licensing agency of any state of the United States or province of Canada in which the applicant has ever held a nursing home administrator license. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

(2) An applicant who has let his or her Michigan license lapse and who is currently licensed or registered in another state of the United States or province of Canada may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all of the following:	Lapsed 0-3 Years.	Lapsed More than 3 Years.
(a) Submits a completed application on a form provided by the department, together with the requisite fee.	√	√
(b) Establishes that the applicant is of good moral character.		√

(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.		√
(d) Completed 36 hours of approved continuing education credits as required by R 339.14022 and R 339.14024 during the 2 years immediately preceding the application for relicensure.	√	√
(e) Provides proof of a current and valid nursing home administrator license: An applicant's nursing home administrator license in good standing must be verified by the licensing agency of any state of the United States or province of Canada in which the applicant holds or has ever held a nursing home administrator's license. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

R 339.14020a Licensure by endorsement.

Rule 20a. (1) An applicant for a nursing home administrator license by endorsement, in addition to meeting the requirements of the code and these rules, shall submit the required fee and a completed application on a form provided by the department.

(2) If an applicant has been registered or licensed as a nursing home administrator in 1 or more state for 5 years or more immediately preceding the date of filing an application for a Michigan nursing home administrator license, then the applicant is presumed to meet the requirements of section 16186(1)(b) of the code, MCL 333.16186.

(3) If an applicant has been registered or licensed as a nursing home administrator in 1 or more state for less than 5 years immediately preceding the date of filing an application for a Michigan nursing home administrator license, then the applicant shall meet the requirements for initial licensure as specified in R 339.14008.

(4) An applicant shall have his or her license or registration in good standing verified by the licensing agency of any state of the United States in which the applicant holds or ever held a license or registration as a nursing home administrator. Verification must include the record of any disciplinary action taken or pending against the applicant.

PART 4. CONTINUING EDUCATION

R 339.14022 Required continuing education; certification; documentation.

Rule 22. (1) A licensee shall accumulate not less than 36 hours of continuing education credits during each license cycle from courses approved pursuant to R 339.14026 or R 339.14026a.

(2) A licensee's renewal submission is the certification that he or she has accumulated 36 hours of continuing education during the preceding, 2-year licensing cycle.

(3) The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule.

(4) The licensee shall retain documentation of the approved continuing education credit hours earned for a period of 4 years after renewal of the license.

(5) The department may select and audit a sample of renewal applications and request a licensee to produce documentation proving that the licensee complied with continuing education requirement in subrule (1) of this rule.

(6) The department shall receive a request for a waiver under section 16205 of the code, MCL 333.16205, before the expiration date of the license.

R 339.14024 Credits earned; limit on distance learning credits; required credits.

Rule 24. (1) As used in this rule, "participation" means education time, exclusive of any break.

(2) One continuing education credit hour is earned for each 50 to 60 minutes of participation in an approved continuing education course. After completion of the initial 60 minutes, continuing education credit may be earned in tenth of an hour increments for each additional 6-minutes of participation in an approved continuing education course.

(3) Fifteen continuing education credit hours are earned for each semester credit hour earned from an accredited college or university.

(4) Ten continuing education credit hours are earned for each academic quarter credit hour earned from an accredited college or university.

(5) A maximum of 20 continuing education credit hours may be earned through online or electronic media, such as videos, internet web-based seminars, video conference, online continuing education programs, or through any other media that do not permit live interaction between the presenter and the licensee.

(6) A minimum of 2 continuing education credit hours must be earned in pain and symptom management during each renewal cycle, as required under section 16204 of the code, MCL 333.16204.

(7) A minimum of 1 continuing education credit hour must be earned in state specific laws and regulations pertaining to licensed nursing home and nursing care facilities during each renewal cycle.

R 339.14026 Approved continuing education courses.

Rule 26. If a continuing education course covers a qualifying subject specified in R 339.14032, the following continuing education courses are approved by the board:

(a) A course approved by the NAB.

(b) A course offered by a college or university that meets the accreditation standards adopted in R 339.14005.

R 339.14026a Application for board approval of continuing education course.

Rule 26a. (1) If a continuing education course is not approved pursuant to R 339.14026, the sponsor of the course may seek board approval by complying with both of the following:

(a) Completing and submitting an application on the form provided by the department not less than 120 days before the first date of instruction.

(b) Submitting with the application all of the following materials:

- (i) A detailed course outline that must include the length of time designated for each topic.
 - (ii) A list of instructional materials.
 - (iii) A copy of each instructor's résumé.
 - (iv) A description of the methodology to be used to monitor and verify attendance and the sponsor's policy for retention of documents verifying course completion.
 - (v) A written policy describing the sponsor's refund policy.
- (2) If the sponsor of the course is seeking approval for credits that may be used to satisfy the pain and symptom management continuing education required by R 339.14024(6), the board may approve credit or credits that could be applied toward that requirement based on the length of time the topic will be covered in the course.
- (3) At the conclusion of each board-approved course, the sponsor of the course shall award to each participant a certificate or written evidence of attendance that indicates all of the following:
- (a) The participant's name.
 - (b) The date the course was offered.
 - (c) The location of where the course offered.
 - (d) The sponsor approval number.
 - (e) The number of hours of continuing education earned.
 - (f) If applicable, the hours of continuing education earned that may satisfy the pain and symptom management continuing education required by R 339.14024(6).
- (4) The sponsor of the course shall maintain attendance records for 4 years from the date of the course.
- (5) The board shall not approve any application that was filed after the first date of instruction.

FILED WITH SECRETARY OF STATE

ON 4/15/21 AT 12:32 P.M.