

Volume 29
Number 19
June 15, 2012
Pages 873 - 1532

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Mary Fallin, Governor
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Secretary of State
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INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 2300 North Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105, by phone at (405) 521-4911, or by fax at (405) 522-3555. Information may also be obtained by visiting the OAR's office, located in Room 220, Will Rogers Building, 2401 N. Lincoln Boulevard, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 55 copies have been prepared and distributed at a cost of \$1225.60. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-713]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions

490:1-1-1. Purpose [AMENDED]

490:1-1-2. Definitions [AMENDED]

Subchapter 3. Oklahoma State Board of Examiners for Long Term Care Administrators

490:1-3-1. Organization [AMENDED]

490:1-3-2. Officers and committees [AMENDED]

Subchapter 5. Investigative Procedures

490:1-5-2. Receipt of complaints referrals and reports [AMENDED]

490:1-5-2.1. Receipt of Action on referrals or and reports [AMENDED]

490:1-5-3. Complaints: investigations and investigative reports [AMENDED]

490:1-5-6. Notice [NEW]

490:1-5-7. Hearing [AMENDED]

490:1-5-7.1. Administrative fines [AMENDED]

490:1-5-8. Reporting [AMENDED]

Subchapter 6. Administrator Registry

490:1-6-1. General provisions [REVOKED]

Subchapter 9. Continuing education

490:1-9-1. General provisions for continuing education programs [AMENDED]

490:1-9-2. Criteria for continuing education program [AMENDED]

490:1-9-3. Approval of continuing education Programs programs [AMENDED]

490:1-9-4. Continuing education requirements [AMENDED]

AUTHORITY:

Oklahoma State Board of Examiners for Long Term Care Administrators; 63 O.S., §§ 330.51 et seq.

DATES:

Comment period:

February 1, 2012, through March 2, 2012

Public hearing:

March 2, 2012

Adoption:

March 2, 2012

Submitted to the Governor:

March 6, 2012

Submitted to House:

March 6, 2012

Submitted to Senate:

March 6, 2012

Gubernatorial approval:

April 13, 2012

Legislative approval:

Failure of the Legislature to disapprove the rule(s) resulted in approval on May 3, 2012

Final adoption:

May 3, 2012

Effective:

July 1, 2012

ANALYSIS:

The purpose of the rules changes was to update the requirements for long term care administrators in Oklahoma, primarily to include additional administrator types added to the purview of this Board (OSBELTCA) and to make proper allowances for their licensure by this Board, pursuant to recent statutory changes and under the authority of those statutory changes by the newly appointed Board. This required the addition of more terms to be defined or re-defined, detailing requirements for licensure for these new types of administrators and generally correcting terminology within the rules to reflect these changes. Additionally, there were other minor issues corrected to include the renewal of certified assistant administrators annually and requiring

these same individuals to accomplish continuing education as a condition of employment. Likewise, the penalty for failure to accomplish continuing education, for all administrator types, was codified. The totality of these rules changes encompass Chapters 1, 10 and 15 (and a portion of Chapter 1 was approved separately by HJR1111).

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 1, 2012:

SUBCHAPTER 1. GENERAL PROVISIONS

490:1-1-1. Purpose

This Chapter has been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S. Sections 301 et seq. This Board, known as the Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), carries out statutory authority for developing, imposing and enforcing standards that must be met by individuals in order for them to receive, maintain, or renew a long term care administrator's license/certification. These rules are written to execute the aforementioned statutory responsibilities for licensing and/or certifying administrators ~~servicing in the following facility types named in Title 63 Oklahoma Statutes, Chapter 12, "Oklahoma State Board of Examiners for Long Term Care Administrators" §§ 330.51 - 330.65.~~

~~(1) Nursing facilities and specialized facilities licensed pursuant to 63 O.S. Section 1-1901 et seq., including but not limited to specialized facilities for persons with mental retardation, developmental disabilities or Alzheimer's disease; and~~

~~(2) The nursing care service of a continuum of care facility licensed pursuant to 63 O.S. Section 1-890.1 et seq.~~

490:1-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Accredited college or university" means a college or university that is domiciled within the United States and that is accredited by: the North Central Association of Colleges and Schools, The Higher Learning Commission; the Southern Association of Colleges and Schools, Commission on Colleges; the Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities; the New England Association of Schools and Colleges, Commission on Institutions of Higher Education; the Middle States Association of Colleges and Schools, Middle States Commission on Higher Education; or the Northwest Commission on Colleges and Universities.

"Administrator-In-Training" or "AIT" means: an individual serving a Board-approved internship within a nursing facility or specialized facility ~~the facility type for which he is seeking licensure/certification~~ under the supervision of a preceptor 'certified' by the Board. Individuals serving an AIT internship may also be referred to herein as 'intern/trainee'.

"Administrator" means any individual duly licensed or certified by the Board regardless of the role or function he/she performs.

"Adult Day Care (ADC) Administrator" means a long term care administrator (or director) duly licensed by the Board to serve in this capacity in an Adult Day Care Center. The scope of practice of an individual licensed as an Adult Day Care Administrator is limited to a licensed Adult Day Care Center.

"Adult Day Care (ADC) Center" shall have the same meaning as such term is defined in the Adult Day Care Act, Title 63 O.S. Section 1-870 et seq.

"Adverse action" means revocation or suspension of a license, reprimand, censure or probation; any other loss of or restriction placed upon the license, including, but not limited to, the right to apply for, or renew a license; voluntary surrender in lieu of discipline, non-renewal (excluding nonrenewal due to non-payment of fees, or retirement, or change to inactive status); administrative fines and any other negative action or finding by the Board.

"Assistant Administrator" as used herein means an individual who has been 'certified' by the Board as having met the minimum qualifications established by the Board to be able to serve as a full-time, Assistant Administrator in a licensed long term care nursing facility, and who acts under the direction, supervision and license of a licensed administrator who is the "Administrator-of-Record" at two-or-more licensed facilities which are located within a 50-mile radius of each other and wherein the total occupied bed count does not exceed 120 beds.

"Assisted Living Center" shall have the same meaning as such term is defined in the Continuum of Care and Assisted Living Act, Title 63 O.S. Section 1-890.1 et seq. Also known as an Assisted Living Facility (ALF).

"Board" means the Oklahoma State Board of Examiners for Long Term Care Administrators (OSBELTCA) or its staff.

"Certification" contextually, prior to the effective date of these rules, means the authorization granting a person the privilege of serving as a long term care administrator and continues until licensed in accordance with these rules or until October 1, 2012, whichever occurs first. The exception is the certified assistant administrator which this Board continues to certify. Certification after the effective date of these rules pertains to the completion of training at an approved institution of higher learning or other body conducting such training (except Administrator University for Nursing Home Administrators and Board conducted training for Adult Day Care administrators). The institution or body certifies that the individual has been properly and completely trained and is prepared, as a prerequisite, for the state standards exam and/or NAB RC/AL exam. Certification of training is a step in the licensure process for RC/AL licensure.

"Coerce" ~~means to compel, pressure or otherwise improperly influence the free will decisions made or that may be made by a consumer or a potential consumer of long term care facility services by a licensed long term care administrator or representative or affiliate.~~

"Complaint" ~~means an allegation that an individual licensed as a long term care administrator has violated applicable statutes and/or rules.~~

"Continuum of Care Facility" shall have the same meaning as such term is defined in the Continuum of Care and Assisted Living Act, Title 63 O.S. Section 1-890.1 et seq.

"Degree equivalency evaluation" means an equivalency evaluation of a degree that was earned from a college or university not domiciled in the United States against a degree earned from an 'accredited college or university' (see definition earlier herein) that is performed by one of the following:

- (A) Educational Credential Evaluators (ECE)
- (B) Educational Records Evaluation Service (ERES)
- (C) International Education Research Foundation Credentials Evaluation Service (IERFCES)
- (D) World Education Services (WES)

"Inactive license" ~~means the licensee has voluntarily relinquished his/her privilege to function in the capacity as a long term care administrator. The licensee retains his/her license, but must meet the conditions for reinstatement and the Board must formally reinstate the license prior to him/her resuming practice as a long term care administrator.~~

"Formal Complaint" means a formal allegation by the Board that probable cause exists that an individual licensed as a long term care administrator has violated applicable statutes and/or rules. These allegations are written in a legal document filed with the Board by its prosecuting attorney.

"Intermediate Care Facility for the Mentally Retarded (ICF/MR)" means a facility whose primary purpose is to provide health and rehabilitative services for persons with mental retardation or a related condition, and otherwise meets the Conditions Of Participation (COPs) found at 42 CFR §483.400 et seq.

"Intermediate Care Facility for the Mentally Retarded, 16 Beds and Less (ICF/MR-16)" means a facility with sixteen (16) or fewer licensed resident beds that serves persons with mental retardation or with related conditions and that otherwise meets the Conditions Of Participation (COPs) found at 42 CFR §483.400 et seq.

"Lapsed License or Expired License" means a license that is no longer valid because the licensee failed to timely renew his/her license by the renewal deadline, causing the license to lapse or expire.

"License" means the written authorization of the Board granting a person the privilege of serving as a long term care administrator for a specific period of time, and further, a legal instrument obligating that person to adhere to the rules, regulations and statutes that govern the license.

"Licensing Year" shall mean the specific period of time a license/certification issued by the Board is valid. For purposes of these Rules, the term "licensing year" shall have the same meaning as "calendar year", the time period beginning

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at 12:01 a.m., January 1, and ending as of 12:00 midnight, the ~~ensuing~~ same December 31. A long term care administrator's license/certification is valid for one year.

"National Association of Long Term Care Administrator Boards" ("NAB") is composed of state boards or agencies responsible for licensing long term care administrators. The basic objective of the NAB is to assist these boards and agencies in carrying out their statutory and regulatory responsibilities in the licensure, re-licensure and regulation of long term care administrators. One of NAB's functions is the development and administration of the national long term care administrator or Nursing Home Administrator (NHA) examination as well as the Residential Care/Assisted Living (RC/AL) examination.

"Nursing Home, Nursing Facility, Long Term Care Facility, Specialized Home, and Specialized Facility" shall have the same meanings as the term "Nursing Facility" as such term is defined in the Nursing Home Care Act, Title 63 O.S. Section 1-1901 et seq. and/or as defined at 42CFR §483.1 et seq.

"Nursing Home Administrator (NHA)" means a long term care administrator duly licensed by the Board to serve in this capacity in a nursing facility, nursing home, skilled nursing facility or any similarly worded facility type. Their scope of practice includes ICF/MR, RCF, ALF and Adult Day Care Centers and the term is synonymous with nursing facility administrator.

"Preceptor" means an individual qualified by training and experience, who is currently licensed as a long term care administrator in Oklahoma, is 'certified' by the Board as a qualified preceptor and is charged with coordinating the training of an AIT intern/trainee who is enrolled in ~~an~~ Board-approved Administrator-in-Training (AIT) internship program.

"Provisional license" means the temporary authority to serve as a long term care administrator as granted by the Board to an individual of good character who meets appropriate conditions and requirements prescribed by the Board.

"RC/AL Administrator" means a long term care administrator duly licensed by the Board to serve in this capacity in either an RCF or ALF. The scope of practice of an individual licensed as an RC/AL administrator is limited to either a licensed Residential Care Facility (RCF) or a licensed Assisted Living Facility (ALF).

"Residential Care (RC) Administrator" means a long term care administrator duly licensed by the Board to serve in this capacity in only an RCF. The scope of practice of an individual licensed as a Residential Care Administrator is limited to a licensed Residential Care Facility (RCF).

"Referral or Report" means an issue or concern regarding a long term care administrator that has been reduced to writing and is forwarded to the Board for a determination as to whether a violation of the Board's Rules has occurred. Such referral or report may be made by an individual or agency.

"Residential Care Home" or "Residential Care Facility (RCF)" shall have the same meaning as such term is defined in the Residential Care Act, Title 63 O.S. Section 1-819 et seq.

"Revocation or Revoked License" is a sanction imposed upon a ~~licensee~~ license/certificate by the Board that results in a complete loss of license/certificate and all privileges attendant thereto and requires ~~licensee~~ holder to surrender his/her ~~"Certificate of License"~~ license/certificate, the annual license/certification renewal card and all other license_or_certificate-related documents to the Board.

"Specialized facility" shall have the same meaning as such term is defined in the Nursing Home Care Act, Title 63 O.S. Section 1-1901 et seq.

"Suspension or Suspended License" is a sanction imposed upon a ~~licensee~~ license/certificate by the Board. The licensee retains his/her ~~"Certificate of License"~~ license/certificate and his/her annual renewal card, yet he/she shall not function in the capacity as a long term care administrator until the Board determines that conditions responsible for the suspension no longer exist, any/or all other restoration requirements imposed by the Board have been met, and the Board has restored licensee's license his status.

"Uninvited Solicitation" means ~~to attempt to coerce or harass a resident of a long term care facility, a member of the resident's family or the resident's guardian for the purpose of attempting to persuade the resident to change long term care facilities.~~

SUBCHAPTER 3. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS

490:1-3-1. Organization

The members of the Board shall elect from their membership a Chair, Vice-Chair and Secretary-Treasurer to serve one (1-) year terms beginning July 1 of each year.

- (1) Nominations may be made by any member of the Board or a committee named by the Chair.
- (2) Each member of the Board may cast one (1) vote for each office for which an election is held.
- (3) Election shall be by majority vote of a quorum.
- (4) Board officer vacancies shall be filled in the same manner when the vacancy occurs.
- (5) A simple majority of the filled seats of the current Board shall constitute a quorum of the Board.

490:1-3-2. Officers and committees

- (a) The Chair shall be the Chief Executive Officer of the Board. The Chair shall call and preside at all meetings and shall be a member *ex-officio* of all committees. The Chair may act for the Board in such other matters as it may authorize.
- (b) The Vice-Chair, in the absence of the Chair, shall assume all of the Chair's duties and have all of the Chair's authority. The Vice Chair shall also perform such duties as may be assigned by the Chair.
- (c) The Secretary-Treasurer shall keep accurate and complete minutes of all meetings (including minutes of executive sessions), attend to all correspondence, call meetings on order

of the Chair, and maintain accurate and complete records of all other business transactions and funds of the Board.

(d) The Board may appoint a recording secretary to assist in fulfilling the responsibilities of the Secretary-Treasurer. The recording secretary may be an employee of the Board.

(e) The elected officers shall constitute the Executive Committee of the Board and may provide counsel to the Chair and/or Executive Director in situations requiring immediate attention and action.

(f) Standing and special committees may be instituted and their members appointed by the Chair, and shall serve until their purpose is accomplished or until the date of the meeting at which the officers of the Board are elected. Such committees shall, at each regular meeting of the Board, report on committee activities occurring since the last regular meeting of the Board if/when any activity occurred. If there was no activity, a report is not required.

SUBCHAPTER 5. INVESTIGATIVE PROCEDURES

490:1-5-2. Receipt of ~~complaints~~ referrals and reports

(a) Any person or any person on behalf of a recognized legal entity may file a written ~~complaint-referral or report~~ with the Board by submitting the same via U.S. Mail, via electronic mail, via the Board's web-based electronic ~~complaint~~ report form or by delivering the same in person to the Board's office.

(b) Anonymous ~~complaints~~ referrals or reports shall not be accepted.

(c) A ~~complaint~~ report shall be generated by the Board or Board staff when information obtained from the media, law enforcement, any regulatory agency, or any other source indicates a violation may have occurred.

(d) The Board shall reduce to writing a verbal ~~complaint-report~~ received by phone or in person.

(e) If the ~~complainant~~ individual making the report is a facility resident, the ~~resident's~~ resident's personal or legal representative, or a current employee of the facility, the Board shall keep the ~~complainant's~~ individual's identity confidential.

(f) Paper ~~complaints~~ referrals or reports received by Board staff shall be receipted with a 'date stamp' as to the date the same were received in the Board's office, or, as applicable, by the electronic 'date stamp' created when the electronic version of the ~~complaint-referral or report~~ was either created/sent by ~~complainant~~ or electronically received by Board staff.

490:1-5-2.1. Receipt of ~~Action on referrals or~~ and reports

(a) ~~The Board~~ A Probable Cause Committee shall review and may ~~take appropriate~~ recommend action to the Board on any and all referrals or reports received.

(b) A formal complaint may be generated by the Board or Board staff when ~~information obtained from the referral or report indicates~~ the Probable Cause Committee determines that a violation may have occurred.

490:1-5-3. Complaints: investigations and investigative reports

(a) Each ~~complaint-referral or report~~ shall be thoroughly investigated and ~~an investigative report prepared~~. ~~If investigative~~ investigative reports are prepared, such reports are confidential.

(b) ~~The information contained in the~~ An investigative report shall not be deemed to be a record as that term is defined in the Oklahoma Open Records Act nor shall the ~~information~~ report be subject to subpoena or discovery in any civil or criminal proceeding.

490:1-5-6. Notice

(a) All notices or other papers requiring service in an individual proceeding shall be served in one of the following manners:

(1) personally by any person appointed to make service by the Director of the Board and in any manner authorized by the law of this State for the personal service of summonses in proceedings in a state court; or,

(2) by certified mail to the respondent at the last address provided to the Board by respondent or to respondent's attorney.

(b) Service of notice. Such service shall be complete upon the personal service or certified mailing of the notice or other paper to respondent's last address provided to the Board by respondent or respondent's attorney.

490:1-5-7. Hearing

(a) Individual proceedings shall be conducted by the Board according to the provisions established in 63 O.S. Sections 330.64 and 330.65 and 75 O.S. Section 309 et seq.

(1) The respondent shall bring to the hearing twenty (20) copies of all documents that he/she intends to offer into evidence as well as twenty (20) copies of all motions that he/she intends to submit for Board consideration.

(2) An electronic recording of the proceeding shall be made by the Board, and a copy of the electronic recording shall be provided by the Board to a party to the proceeding at that party's request. Should there be any equipment failures, the minutes of the meeting and proceedings will be provided instead of the electronic recording.

(3) The full proceedings of any hearing may be transcribed. The party ~~requesting-wanting~~ the services of a court reporter to transcribe the proceedings shall make the arrangements with a court reporter to ~~transcribe the proceedings for such transcription, and~~ pay the reporter's fee(s). ~~A party to the proceedings shall~~ and notify the Board in advance of the hearing of the expected presence of a court reporter.

(b) Any party aggrieved by a decision of the Board following a hearing may appeal directly to District Court pursuant to the provisions of Section 318 of Title 75 of the Oklahoma Statutes.

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490:1-5-7.1. Administrative fines

(a) The Board may impose administrative fines, in an amount to be determined by the Board, against ~~licensees~~persons who do not comply whom the Board has determined have not complied with the provisions of the Oklahoma statutes relating to Long Term Care Administrators or rules adopted by the Board.

~~(b)~~ Administrative fines shall not exceed One Thousand Dollars (\$1,000.00) per violation.

~~(c)~~ In assessing a fine, the Board shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the scope, severity and repetition of the violation and any additional factors deemed appropriate by the Board.

~~(d)~~ Administrative fines assessed by the Board on-or-after August 1, 2009, must be paid, in full, within thirty (30) calendar days of the date assessed, unless other payment terms have been agreed to, in writing, by the Board. ~~Administrative fines assessed by the Board before August 1, 2009, but for which an unpaid balance remains, and the Board has not agreed, in writing, to other payment terms for payment of such assessed fine(s), must be paid, in full, on or before August 30, 2009.~~

~~(e)~~ Failure to timely pay Administrative fines assessed by the Board may subject the individual to additional Board sanction(s), including license suspension or revocation.

~~(f)~~ Failure of the licensee to provide verification of completion of the required number of CEUs shall result in specific standard fines and penalties (automatically approved) that will be enforced per 490:1-9-5.

490:1-5-8. Reporting

(a) The Board shall report final adverse actions to the Healthcare Integrity and Protection Data Bank (HIPDB) in accordance with requirements at Title 45, Code of Federal Regulations, Part 61.

(b) Disciplinary action taken against a ~~licensee~~license/certificate holder and reported to the HIPDB shall be reported on the registry as provided in 63 O.S. §330.64.

(c) If the Board has knowledge that the ~~licensee~~license/certificate holder is licensed or certified as a long term care administrator in any other legal jurisdiction(s) and/or if the Board has knowledge that ~~the licensee~~this person holds other professional license(s) or certification(s), the Board may report disciplinary action taken against ~~the licensee~~this person to all appropriate state licensing authorities, federal regulatory authorities and professional certification organizations.

(d) Referrals may be made to law enforcement authorities, the State's Medicaid Fraud and Abuse authorities, Adult Protective Services, the State's Ombudsman, or any other licensing or regulatory entity.

SUBCHAPTER 6. ADMINISTRATOR REGISTRY [REVOKED]

490:1-6-1. General provisions [REVOKED]

~~(a) The Board shall create a registry of complaints or referrals made against licensed administrators pursuant to 63 O.S. §330.64.~~

~~(b) No complaints or referrals shall be included in the registry, nor shall any complaint or referral be published on the Board's website unless there has been a finding by the Board that a complaint or referral has merit.~~

SUBCHAPTER 9. CONTINUING EDUCATION

490:1-9-1. General provisions for continuing education programs

(a) In order to receive Board recognition and continuing education credit, continuing education programs shall be submitted to the Board for approval prior to presentation as indicated under this Chapter.

(b) All continuing education programs submitted to the Board for its evaluation and possible 'approval' for purposes of granting Oklahoma continuing education credit hours ~~will~~shall be submitted with a \$55.00 per credit hour, non-refundable fee. Approval will be granted only for specific programs for specific dates of presentation. The Board, ~~in its sole discretion,~~ may~~shall~~ waive this fee for programs sponsored by other State or federal agencies. Recurring presentations also require Board approval, but may be considered and approved by the Board based upon a report of program changes from the previously-approved program.

(c) The Board ~~shall~~may withdraw approval for continuing education credit should subsequent information come to its attention that program content differed from that approved.

(d) Sponsors shall be responsible for obtaining satisfactory documentation of attendance and submission of the attendance records to the Board.

(e) All programs approved by the National Continuing Education Review Service (NCERS), National Association of Long Term Care Administrator Boards (NAB) that receive a NCERS/NAB approval number will be presumptively accepted by the Board for purposes of meeting Oklahoma's annual continuing education requirements.

(f) The Board may approve, sponsor and/or conduct its own educational and training programs for continuing education credit if such programs meet the criteria established in this Chapter.

(g) The Board reserves the right to monitor any and all approved programs.

(h) Programs that deal specifically with internal affairs of an organization do not qualify for continuing education hours.

(i) Programs from the Administrator University may qualify for continuing education hours if they meet the criteria outlined in this Chapter and have been so approved by the Board.

(j) Sponsors, at their discretion, may award partial credit for attendees who they deem have been late, left early, or otherwise not participating in the full activities of the program. The Board approval for a program is for "up to" the number of hours approved and it is the responsibility of the sponsor to judiciously grant credit. This also allows the sponsor to award

fewer hours in the event of such unplanned changes to the program such as a scheduled speaker being unable to make his presentation. Failure to protect the integrity of the hours approved on the part of the sponsor could result in future denial of program approval by the Board.

490:1-9-2. Criteria for continuing education programs

(a) In order for the Board to approve a program for continuing education hours, an application shall be completed by the sponsor and reviewed and approved by the Board.

(b) Sponsors shall submit their application to the Board at least 30 days in advance of the program, provided however, should the Board fail to meet through lack of a quorum or other circumstance, the application will be reviewed at the next meeting of the Board and if approved, hours will be awarded retroactively.

(c) The application shall contain documentation that certifies the following criteria are being met:

(1) The program shall relate to Long Term Care Administration and be designed to promote continued knowledge, skills and attitudes consistent with current standards in long term care administration.

(2) The program shall be designed to assist administrators to improve their professional competencies.

(3) The program shall be open and available to all long term care administrators in Oklahoma.

(4) The facility where the program will be conducted shall provide adequate space to accommodate potential attendees and have the ability to supply the needed equipment.

(5) The faculty/instructors must have experience in long term care supervision and administration, or have expertise in teaching and instructional methods suitable to the subject presented, or have suitable academic qualifications and experience for the subject presented.

(6) The learning objectives in the program must be reasonable and clearly stated in behavioral terms which define the expected outcomes for participants.

(7) The learning objectives must be consistent with the program content and the mechanism by which learning objectives are shared with participants must be identified.

(8) The teaching methods in the program must be clearly stated, must be appropriate to the subject matter, and must allow suitable time.

(9) Instructional aids and resource materials that will be utilized in the program must be described.

(10) ~~Sponsors must have expertise and should be qualified in the subject matter presented and should be from an accredited educational institution, a professional association and/or trade association, a private educational group, or a state agency.~~ The Board, in its sole discretion, may approve programs from an accredited educational institution, a professional association and/or trade association, a private educational group, or a state agency, or from another source if the program content is deemed to be of sufficient value to Oklahoma long term care administrators.

(11) The registration fee for a program must be published clearly on promotional material.

(12) Registration fees may be reviewed by the Board.

(13) The sponsor must allow the Board to evaluate the program.

(14) The sponsor must provide an evaluation form, approved by the Board, for each program participant's responses.

(15) Within 15 days after the conclusion of the program, the sponsor must provide to the Board a list of participants and a summary of the evaluations for each program.

(16) The application presented to the Board must state the method to be used in certifying attendance or on-line completion.

(17) To receive full credit, attendees must attend the full program and/or log-in for on-line attendance for the full program. See also 490:1-9-1(j).

(18) Partial credit ~~with~~ of a minimum of two clock hours may be earned in a divisible program.

~~(19) Program content shall be considered by the Board in determining whether partial credit will be granted.~~

~~(20)~~ (19) Instructional hours must be based upon clock hours (60 minutes = 1 clock hour).

~~(21)~~ (20) The agenda must show registration, meal times (not included in credit hours), and a breakdown of the daily educational activities.

~~(22)~~ (21) The maximum number of hours that can be approved or earned shall be seven clock hours per day.

~~(23)~~ (22) The target group for programs shall be long term care administrators and other disciplines related to long term care.

490:1-9-3. Approval of continuing education Programs

(a) In order to be approved, continuing education programs shall be appropriately designed for Long Term Care Administrators and shall meet the criteria outlined in this Chapter.

(b) If a program is disapproved, the sponsor shall be notified in writing of the reasons for rejection within ten (10) working days of the Board's decision.

(c) If a program is disapproved, the sponsor has 30 days to appeal in writing. The appeal must include a copy of the original application package and any additional information the sponsor feels is needed for further clarification.

(d) The Board may approve program content or a portion of the program content, even though the same content or a portion of the program content has been previously approved by the Board for the same calendar year. ~~However, licensed administrators who have attended and received credit for such previously approved program content shall be denied credit for attending subsequent duplicate programs.~~

490:1-9-4. Continuing education requirements

(a) Each licensee shall be responsible for identifying his/her own continuing education needs, taking the initiative in seeking continuing professional education activities to meet those

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needs, and integrating new knowledge and skills into their duties.

(b) Individuals who are newly licensed as a nursing home or ICF/MR administrators or certified as Assistant Administrators are required to successfully complete continuing education hours equivalent to a rate of two (2) hours per month, beginning with the month following the month his/her license/certificate is issued, for each month he/she holds the license/certificate during the current licensing year. For certified assistant administrators, this is a condition of employment.

(1) Individuals who are newly licensed as RC/AL administrators are required to successfully complete continuing education hours equivalent to a rate of one and one-half (1.5) hours per month, beginning with the month following the month their license is issued, for each month they hold the license during the current licensing year.

(2) Individuals who are newly licensed as RC only administrators are required to successfully complete continuing education hours equivalent to a rate of 1.3 hours per month, rounded up to the next half hour increment (e.g., 1.3 = 1.5; 2.6 = 3), beginning with the month following the month their license is issued, for each month they hold the license during the current licensing year.

(3) Individuals who are newly licensed as Adult Day Care administrators are required to successfully complete continuing education hours equivalent to a rate of one (1) hour per month, beginning with the month following the month their license is issued, for each month they hold the license during the current licensing year.

(c) Licensees holding an Active nursing home administrator license and Certified Assistant Administrators shall successfully complete twenty-four (24) clock hours of continuing education during each licensing year. For Certified Assistant Administrators this shall be a condition of employment.

(1) RC/AL administrators shall successfully complete eighteen (18) clock hours of continuing education during each licensing year.

(2) Residential Care only administrators shall successfully complete sixteen (16) clock hours of continuing education during each licensing year.

(23) Licensed Adult Day Care Administrators are required to successfully complete twelve (12) clock hours of continuing education during each licensing year.

(d) Licensees/certificate holders are responsible for maintaining their own continuing education records.

(e) Carry-over of continuing education hours earned in one licensing year that were in excess of the hours required for that year to a subsequent licensing year is not permitted.

(f) Licensed administrators who have attended and received credit for previously approved program content shall be denied credit for attending subsequent duplicate programs in the same calendar year.

(fg) A licensee/certificate holder who cannot meet the continuing education requirement due to illness, emergency or hardship may petition the Board, in writing, requesting a waiver of the CEU requirement. Any such waiver request must be received and acted-upon by the Board prior to the end of the

licensing year period in which the CEU requirement will not be met. The waiver request shall explain why compliance is not possible, and include appropriate documentation. Waiver requests will be evaluated and acted upon by the Board on a case-by-case basis.

(gh) In the event a licensee fails to provide the Board, upon request, with documentation that the continuing education requirements have been met, the licensee will be subject to sanction by the Board, including which may include suspension or revocation of his/her license. This is always considered a reportable offense even on the first offense and will appear as a violation in the Registry.

(hi) A licensee whose license is suspended by the Board for disciplinary reasons is not exempt from the continuing education requirements, and must, therefore, successfully complete ~~twenty four (24)~~ the required number of continuing education hours commensurate with his license/certificate type during any licensing year(s) in which his/her license is under suspension. Licensee shall, upon Board request, furnish documentation that the continuing education requirements have been met. Failure to provide such requested documentation shall subject licensee to sanction by the Board, including further suspension or revocation of his license.

(i) Continuing education hours are not required for a licensee whose license is on inactive status except as otherwise required at OAC 490:10-1-10.(b)2.

(ij) All CEU hours earned for programs approved by the NCERS/NAB or approved by the Board may be utilized by a licensee for purposes of meeting the annual CEU requirement in the licensing year period in which the hours were earned.

[OAR Docket #12-713; filed 5-24-12]

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-715]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 7. Fees and deposits

490:1-7-1. Fees and deposits [AMENDED]

490:1-7-2. Schedule of fees [AMENDED]

Subchapter 9. Continuing education

490:1-9-5. Auditing of continuing education hours [AMENDED]

AUTHORITY:

Oklahoma State Board of Examiners for Long Term Care Administrators; 63 O.S., §§ 330.51 et seq.

DATES:

Comment period:

February 1, 2012, through March 2, 2012

Public hearing:

March 2, 2012

Adoption:

March 2, 2012

Submitted to the Governor:

March 6, 2012

Submitted to House:

March 6, 2012

Submitted to Senate:

March 6, 2012

Gubernatorial approval:

April 13, 2012

Legislative approval:

Approved May 22, 2012 by House Joint Resolution 1111

Final adoption:

May 22, 2012

Effective:

July 1, 2012

ANALYSIS:

The purpose of the rules changes was to update the requirements for long term care administrators in Oklahoma, primarily to include additional administrator types added to the purview of this Board (OSBELTCA) and to make proper allowances for their licensure by this Board, pursuant to recent statutory changes and under the authority of those statutory changes by the newly appointed Board. This required the addition of more terms to be defined or re-defined, detailing requirements for licensure for these new types of administrators and generally correcting terminology within the rules to reflect these changes. Additionally, there were other minor issues corrected to include the renewal of certified assistant administrators annually and requiring these same individuals to accomplish continuing education as a condition of employment. Likewise, the penalty for failure to accomplish continuing education, for all administrator types, was codified. The totality of these rules changes encompass Chapters 1, 10 and 15 (and a portion of Chapter 1 was approved separately by HJR1111).

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 1, 2012:

SUBCHAPTER 7. FEES AND DEPOSITS

490:1-7-1. Fees and deposits

(a) All fees, fines and costs collected by the Board under the provisions of 63 O.S. Sections 330.51 et seq. shall be deposited with the State Treasurer within twenty-four (24) hours of receipt, in a fund to be known as the Oklahoma State Board of Examiners for Long Term Care Administrators Revolving Fund. This fund may be used for the purposes of the Board as provided in the Statutes.

(b) Fees, fines and costs received by the Board for any purpose described herein shall become the exclusive property of the Board and shall not be refunded in whole or in part for any reason or purpose without Board the Executive Director's approval.

(c) The following fees as listed within 490:1-7-2, are due and payable to the Board, in full, immediately upon assessment by the Board:

- (1) Returned Check Fees or Fees for Non-Sufficient Funds (NSF) related to Electronic Funds Transfers;
- (2) Late Fees; and/or
- (3) Late Fees for Failure to Provide Current Contact information.

(d) Unless otherwise agreed to in writing by the Board, all other fees charged by the Board are due and payable to the Board, in full, on-or-before the date the Board or Board staff is to take action on the item wherein a fee is specified.

(e) Failure to timely pay Administrative fees assessed by the Board may subject the individual to additional Board sanction(s), including license suspension or revocation.

490:1-7-2. Schedule of fees

- (a) Initial Long Term Care Administrator License - \$200.00
- (b) Annual Renewals, ~~Active~~
 - (1) NHA License - \$200.00;
 - (2) Certified Assistant - \$75.00;
 - (3) RC/AL License - \$175.00;
 - (4) RC License - \$100.00
 - (5) ADC License - \$100.00.
- (c) Late Fee - \$100.00 for each calendar week, or portion thereof, a licensee fails to timely meet the requirements of a deadline or due date established or agreed to, in writing, by the Board.
- (d) Pre-Licensing File Origination and Maintenance fee - \$100.00
- (e) Provisional License (per application) - \$200.00
- (~~f~~) ~~Annual Renewal, Inactive License - \$200.00~~
- (~~g~~) Name Change on "Certificate of License" (per request) - \$25.00
- (~~h~~) Endorsement Licensure Questionnaire (per request) - \$50.00
- (~~i~~) Replacement "Certificate of License" (due to loss or damage) - \$25.00
- (~~j~~) State Standards Review (per person) - \$100.00
- (~~k~~) State Standards Examination Packet - \$50.00
- (~~l~~) State Standards Examination - ~~the greater of \$100.00 per examinee or the fee determined and assessed by the Intermediary.~~
- (~~m~~) State Standards Examination, ~~convenience fee, unscheduled examination - the greater of \$200.00 per examinee or \$500.00 for all per examinees, assessed per examination proctored, or the fee per examinee determined and assessed by the Intermediary.~~
- (~~n~~) Board-Sponsored Educational Workshop (per day) - up to \$1,000 per attendee.
- (~~o~~) Photocopies (per page) - \$0.25
- (~~p~~) Rules and Regulations (paper copy), per page - \$0.25
- (~~q~~) Administrator-In-Training (AIT) Program: Internship Permit (per intern/trainee) - \$350.00
- (~~r~~) Continuing Education Program Approval Fee (per credit hour) - \$55.00
- (~~s~~) Mailing List on Plain Paper (per page) - \$0.25
- (~~t~~) Electronic Mailing List - \$10.00
- (~~u~~) Returned Check Fee or Fee related to Non-Sufficient Funds (NSF) to cover an Electronic Funds Transfer (EFT) - \$30.00
- (~~v~~) Late Fee for Failure to Provide Current Contact Information - \$75.00
- (~~w~~) Fee for Administrator University - Not to exceed \$200.00 per day

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- (~~kw~~) Convenience Fee for Online Licensure Renewal - Determined by Intermediary
- (~~yx~~) Review by Board in order to determine whether or not an individual applicant meets the minimum requirements to be able to serve as an Assistant Administrator - \$200.00
- (~~z~~) ~~Status change fee, license on 'inactive' status reinstated to 'active' status - \$100.00~~
- (~~aa~~) ~~Oklahoma Preceptor/Administrator In Training (AIT) training manual (per page) - \$0.25~~
- (~~bb~~) License Application processing fee - \$100.00 (valid for one year).
- (z) Temporary licensure fee - \$200.00 (wherein the Executive Director may issue a temporary license, upon request by the applicant and with all requirements being met, expiring at the next Board meeting date when the Board would issue a license, enabling one who is qualified to work while waiting for the next Board meeting).

SUBCHAPTER 9. CONTINUING EDUCATION

- 490:1-9-5. Auditing of continuing education hours**
- (a) The Board may request continuing education information from sponsors for audit purposes only.
- (b) The Board does not retain any record of continuing education hours completed by individual administrators except as it may otherwise obtain in its performance of the annual CEU compliance audit.
- (c) An annual audit of at least 5% of the total number of each type of licensed administrators will be made to verify compliance with the annual CEU requirement. This percentage may be increased at the Board's discretion.
- (d) Failure of a licensee to provide verification of continuing education hours completed, if requested by the Board, shall result in disciplinary action against the licensee. The minimum penalty for a first time offense is \$50.00 per CEU short and completion of twice the number of CEUs short, due within 120 days. These CEUs cannot be applied to the current year's requirements. This is also a HIPDB (Healthcare Integrity and Protection Data Bank) reportable offense. For a second offense, the penalty will double. Any subsequent offenses shall be referred to the Board for determination of an appropriate penalty which may include suspension or revocation. The Administrator may also request a formal hearing before the Board in lieu of the penalty for either the first or second time offense, in which case a formal complaint shall be drafted and the Board shall have a full range of penalty options available to them, to include suspension and revocation. These automatic penalties for the first and second offense do not require Board approval; however, any variation from this "standard" will require Board approval. A formal complaint and appropriate order will still be drafted by the Board's attorney and the action taken shall be reported to the Board.

[OAR Docket #12-715; filed 5-24-12]

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 10. LONG TERM CARE ADMINISTRATORS

[OAR Docket #12-716]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. Licensing of Long Term Care Administrators

490:10-1-1. Purpose [AMENDED]

490:10-1-2.1. General requirements that must be met by each applicant [AMENDED]

490:10-1-3. Requirements for initial licensure for nursing/skilled nursing facility (includes ICF/MR) administrators (also known as nursing home administrators).[AMENDED]

490:10-1-3.1. Requirements for initial licensure for residential care/assisted living (RC/AL) administrators [NEW]

490:10-1-3.2. Grandfathered License [NEW]

490:10-1-3.3. Requirements for initial licensure for residential care (RC) administrators [NEW]

490:10-1-3.4. Grandfathered License [NEW]

490:10-1-3.5. Requirements for initial licensure for adult day care (ADC) administrators [NEW]

490:10-1-3.6. Grandfathered License [NEW]

490:10-1-4. Requirements for licensure by reciprocity/licensure by interstate endorsement for long term care administrators.[AMENDED]

490:10-1-5. Requirements for a provisional license as a nursing home administrator. [AMENDED]

490:10-1-5.1. Requirements for a provisional license as a residential care/assisted living administrator [NEW]

490:10-1-5.2. Requirements for a provisional license as an adult day care administrator [NEW]

490:10-1-9. Inactive license [REVOKED]

490:10-1-10. Requirements for reinstatement from inactive status [REVOKED]

490:10-1-11. Requirement for restoration from suspended status [AMENDED]

Subchapter 3. Application for Long Term Care Administrator Licensure [AMENDED]

490:10-3-1. Application for initial licensure, licensure by reciprocity/interstate endorsement, or provisional license [AMENDED]

490:10-3-2. National ("NAB") examination [AMENDED]

490:10-3-3. State Standards examination [AMENDED]

490:10-3-4. Admission to the State Standards and national examinations [AMENDED]

490:10-3-5. Application for licensure renewal [AMENDED]

490:10-3-6. ~~Licensure~~ Provisional licensure term [AMENDED]

Subchapter 5. Discipline

490:10-5-3. Disciplinary action [AMENDED]

490:10-5-5. Summary Suspension [AMENDED]

Subchapter 7. Administrator University

490:10-7-3. General provisions [AMENDED]

Subchapter 8. Administrator-In-Training (AIT) internship program for Nursing Home Administrators [AMENDED]

490:10-8-2. Application [AMENDED]

490:10-8-3. Training permit [AMENDED]

490:10-8-4. Preceptor selection [AMENDED]

490:10-8-5. Preceptor qualifications [AMENDED]

490:10-8-5.1. Preceptor designation/assignment to an AIT intern/trainee [AMENDED]

490:10-8-6. Curriculum for nursing home administrators AITs [AMENDED]

490:10-8-7. Module reports for nursing home administrator AITs [AMENDED]

490:10-8-8. Preceptor's final report [AMENDED]

490:10-8-10. Change of status and discontinuance [AMENDED]

490:10-8-11. Dismissal from program [AMENDED]

490:10-8-13. AIT time on the job [AMENDED]

490:10-8-14. AIT Internship exempt status [AMENDED]
 Subchapter 13. Standards for Administrators
 490:10-13-1. Administrator Code of Ethics [AMENDED]
 490:10-13-2. Administrator Responsibilities [AMENDED]
 490:10-13-3. Requirements for administrators who serve as the Administrator-of-Record of two (2) or-more licensed long term care nursing facilities located within a fifty (50) mile radius of each other, wherein the total number of occupied beds does not exceed one-hundred-twenty (120) beds and wherein one-or-more individuals is/are employed in Assistant Administrator capacities [AMENDED]

AUTHORITY:

Oklahoma State Board of Examiners for Long Term Care Administrators; 63 O.S., §§ 330.51 et seq.

DATES:

Comment period:

February 1, 2012, through March 2, 2012

Public hearing:

March 2, 2012

Adoption:

March 2, 2012

Submitted to the Governor:

March 6, 2012

Submitted to House:

March 6, 2012

Submitted to Senate:

March 6, 2012

Gubernatorial approval:

April 13, 2012

Legislative approval:

Failure of the Legislature to disapprove the rule(s) resulted in approval on May 3, 2012

Final adoption:

May 3, 2012

Effective:

July 1, 2012

ANALYSIS:

The purpose of the rules changes was to update the requirements for long term care administrators in Oklahoma, primarily to include additional administrator types added to the purview of this Board (OSBELTCA) and to make proper allowances for their licensure by this Board, pursuant to recent statutory changes and under the authority of those statutory changes by the newly appointed Board. This required the addition of more terms to be defined or re-defined, detailing requirements for licensure for these new types of administrators and generally correcting terminology within the rules to reflect these changes. Additionally, there were other minor issues corrected to include the renewal of certified assistant administrators annually and requiring these same individuals to accomplish continuing education as a condition of employment. Likewise, the penalty for failure to accomplish continuing education, for all administrator types, was codified. The totality of these rules changes encompass Chapters 1, 10 and 15, (and a portion of Chapter 1 was approved separately by HJR1111).

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 1, 2012:

SUBCHAPTER 1. LICENSING OF LONG TERM CARE ADMINISTRATORS

490:10-1-1. Purpose

This Chapter has been adopted for the purpose of complying with the provisions of the Administrative Procedures Act. This Chapter implements the specific rules for licensing administrators serving in the following facility types:

- (1) Nursing facilities and specialized facilities licensed pursuant to 63 O.S. Section 1-1901 et seq., including but not limited to specialized facilities for persons with mental retardation, developmental disabilities or Alzheimer's disease; and
- (2) ~~The nursing care service of a continuum~~ Continuum of care ~~Care facility~~ facilities or Assisted Living Center (ALC) licensed pursuant to 63 O.S. Section 1-890.1 et seq.
- (3) Residential Care Homes licensed pursuant to 63 OS Section 1-819 et seq.
- (4) Adult Day Care Centers licensed pursuant to 63 OS Section 1-870 et seq.

490:10-1-2.1. General requirements that must be met by each applicant

- (a) Applicants shall not be less than twenty-one (21) years of age at the time the license is issued.
- (b) Each applicant shall be a United States citizen, or be a qualified alien under the Federal Immigration and Naturalization Act and lawfully residing in the United States.
- (c) Each applicant must establish to the satisfaction of the Board that the applicant is of reputable and responsible character.
- (d) Each applicant shall submit to a criminal background check. If the results of a criminal background check reveal that the applicant has been convicted of or pleaded guilty or nolo contendere to any felony or to any misdemeanor involving moral turpitude, the individual's application for licensure may be disapproved.
- (e) Each applicant shall report to the Board any adverse action taken by any licensing or certification entity in any jurisdiction. The Board shall examine the reasons for the action(s) and may consider this information in granting or denying a license.
- (f) Each applicant shall be in compliance with State income tax requirements pursuant to 68 O.S., 238.1.
- (g) Each applicant shall remit any and all required fees associated with obtaining a license, including any outstanding fees or fines.
- (h) Applicants must have a working ability in the English language sufficient to communicate, both orally and in writing, with residents, family members, employees, the general public, and representatives of State and federal agencies and to engage in the practice of long term care administration.
- (i) Each applicant shall meet ~~any~~ all other appropriate conditions and requirements as may be prescribed by the Board.
- (j) When the Board denies an application for licensure, the Board will not reconsider such denial. A person cannot reapply for licensure until one year after denial of the application has passed.

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490:10-1-3. Requirements for initial licensure for nursing/skilled nursing facility (includes ICF/MR) administrators (also known as nursing home administrators)

(a) In addition to the general requirements found in this Chapter, each applicant for initial licensure shall meet the requirements in this Section.

(b) Each applicant shall provide, or shall cause to be provided, written evidence satisfactory to the Board of the following:

(1) "Official Proof" [see 490:10-3-1.1. (relating to evidence requirements)] of successful completion of a formal program or program(s) of study, wherein applicant received, at a minimum, a bachelor's degree:

(A) from an accredited college or university if the applicant's degree is from a school domiciled in the United States; or

(B) if the applicant received his/~~her~~ degree from a college or university domiciled outside the United States [and, as such, the college/university does not fall under the accreditation purview of any of the six (6) regional accreditation organizations recognized by the U.S. Department of Education and by the Board], applicant shall, at applicant's expense, cause a degree equivalency evaluation of his degree to be performed and the results sent directly to the Board. The Board shall assess the results of this degree equivalency evaluation and, at its sole discretion, determine if applicant's education and/or degree are equivalent, at a minimum, to a bachelor's degree earned from an accredited college or university;

(2) Receipt of a passing score on the national "NAB" NHA examination conducted by the National Association of Long Term Care Administrator Boards (NAB);

(3) Receipt of a passing score on the Oklahoma State Standards examination within the ~~sixty (60)~~twenty-four (24) months preceding the month in which the Board ~~would~~will be taking action to license the applicant, and if applicant is not licensed during this ~~60~~24-month time period, applicant ~~would~~will have to pay all required fees and re-take the examination prior to any future licensing attempts;

(4) Successful completion of Administrator University within the ~~sixty (60)~~twenty-four (24) months preceding the month in which the Board ~~would~~will be taking action to license the applicant, and if applicant is not licensed during this ~~60~~24-month time period, applicant ~~would~~will have to pay all required fees and re-take Administrator University prior to any future licensing attempts (if the candidate has a degree in long term care administration from an institution accredited by NAB, the Administrator University may be waived);

(5) Successful completion of the Administrator-in-Training (AIT) program (or documentation of an equivalent internship as part of a degree in long term care from an institution accredited by NAB) within the ~~sixty (60)~~twenty-four (24) months preceding the month in which the Board will be taking action to license the

individual, and if applicant is not licensed during this ~~(60)~~24-month time period, applicant ~~would~~will have to pay all required fees and complete another AIT program prior to any future licensing attempts; and

(6) ~~payment~~Payment of the required fee(s).

(c) The Board, at its sole discretion, may waive the Administrator University requirement and/or the Administrator-in-Training requirement if the applicant was previously licensed in Oklahoma as a long term care administrator, was in good standing with the Board while applicant was previously licensed in Oklahoma, and has been active in long term care for at least two (2) of the last five (5) years.

(d) After the Board's staff has determined that all requirements for initial licensure have been met, an applicant may apply for a "temporary" license. The Executive Director may review and approve or disapprove issuance of a temporary license after an application has been made and fees paid. An approved temporary license shall expire at the next Board meeting when the application for licensure (no longer temporary) must be approved or disapproved by the Board.

490:10-1-3.1. Requirements for initial licensure for residential care/assisted living (RC/AL) administrators

(a) In addition to the general requirements found in this Chapter, each applicant for initial licensure as an RC/AL administrator shall meet the requirements in this Section. Administrators holding an RC/AL license may serve as an administrator only in either an RCF or ALF.

(b) Each applicant for initial licensure as a RC/AL administrator shall provide, or shall cause to be provided, written evidence satisfactory to the Board of the following:

(1) Current training certification:

(A) through training from an institution of higher learning whose program has been approved by the Board; or

(B) receipt of a nationally recognized assisted living certificate of training and competency for assisted living administrators that has been reviewed and approved by the Board;

(C) All sources of certification previously approved through the Oklahoma State Department of Health requirements shall be presumptively approved by the Board until November 1, 2013 but shall thereafter be required to be reviewed and approved by the Board.

(2) Receipt of a passing score on the Oklahoma State Standards examination for RC/AL administrators within the twenty-four (24) months preceding the month in which the Board will be taking action to license the applicant, and if applicant is not licensed during this 24-month time period, applicant will have to pay all required fees and re-take the examination prior to any future licensing attempts;

(3) Receipt of a passing score on the national "NAB" RC/AL examination conducted by the National Association of Long Term Care Administrator Boards (NAB) and

(4) Payment of the required fee(s).

(5) Training certification required in (b)(1) above is a prerequisite to being able to take the State Standards examination; a passing score on the State Standards exam is a prerequisite to the NAB RC/AL exam.

(c) The Board, in its sole discretion, may waive re-completion of the training requirement if the applicant was previously certified or licensed in Oklahoma as an RC/AL administrator, was in good standing with the Board while applicant was previously licensed in Oklahoma, and has been active in long term care for at least two (2) of the last five (5) years.

490:10-1-3.2. Grandfathered license

(a) Effective October 1, 2012, all RC/AL Administrators shall be licensed by the Board. Individuals who were certified in Oklahoma as Residential Care or AL Administrators prior to the effective date of these rules, who are currently in good standing and submit the required documentation to the Board prior to the deadline of October 1, 2012, may be licensed by the Board as RC/AL Administrators. This required documentation includes completing an application, proof of previous certification, completion of current CEU requirements and the applicant shall submit to a background check. The Board may verify certifications through the original certification source. All applicants currently serving as RC/AL Administrators whose certifications have lapsed for any reason, including failure to meet CEU requirements, or who fail to meet the October 1, 2012 deadline and all new applicants must meet the initial application requirements set forth above. The initial "grandfathered" licenses expire on December 31, 2013. These licenses shall be renewable every year following that initial expiration as long as the license remains in good standing and required fees have been paid.

(b) Applicants for grandfathering who do not appear to have met the requirements for any reason, as determined by the staff on initial review, for such things as, but not limited to, issues or concerns with the background check, non-current CEUs, missing documentation or their good standing is in question, shall be referred to the Education Committee who shall review the application documents and resolve the issue or make a recommendation to the Board to either approve or deny the application.

490:10-1-3.3. Requirements for initial licensure for residential care (RC) administrators

(a) In addition to the general requirements found in this Chapter, each applicant for initial licensure as an RC administrator shall meet the requirements in this Section. Administrators holding an RC license may serve as an administrator only in an RCF and may not serve in any other facility type.

(b) Each applicant for initial licensure as a RC administrator shall provide, or shall cause to be provided, written evidence satisfactory to the Board of the following:

(1) Current training certification:

(A) through training from an institution of higher learning whose program has been approved by the Board;

(B) All sources of certification previously approved through the Oklahoma State Department of Health requirements shall be presumptively approved by the Board until November 1, 2013 but shall thereafter be required to be reviewed and approved by the Board.

(2) Receipt of a passing score on the Oklahoma State Standards examination for RC administrators within the twenty-four (24) months preceding the month in which the Board will be taking action to license the applicant, and if applicant is not licensed during this 24-month time period, applicant will have to pay all required fees and re-take the examination prior to any future licensing attempts; and

(3) Payment of the required fee(s).

(4) Training certification required in (b)(1) above is a prerequisite to being able to take the State Standards examination.

(c) The Board, in its sole discretion, may waive re-completion of the training requirement if the applicant was previously certified or licensed in Oklahoma as an RC administrator, was in good standing with the Board while applicant was previously licensed in Oklahoma, and has been active in long term care for at least two (2) of the last five (5) years.

490:10-1-3.4. Grandfathered license

(a) Effective October 1, 2012, all RC Administrators shall be licensed by the Board. Individuals who were certified in Oklahoma as Residential Care Administrators prior to the effective date of these rules, who are currently in good standing and submit the required documentation to the Board prior to the deadline of October 1, 2012, may be licensed by the Board as RC Administrators. This required documentation includes completing an application, proof of previous certification, completion of current CEU requirements and the applicant shall submit to a background check. The Board may verify certifications through the original certification source. All applicants currently serving as RC Administrators whose certifications have lapsed for any reason, including failure to meet CEU requirements, or who fail to meet the October 1, 2012 deadline and all new applicants must meet the initial application requirements set forth above. The initial "grandfathered" licenses expire on December 31, 2013. These licenses shall be renewable every year following that initial expiration as long as the license remains in good standing and required fees have been paid.

(b) Applicants for grandfathering who do not appear to have met the requirements for any reason, as determined by the staff on initial review, for such things as, but not limited to, issues or concerns with the background check, non-current CEUs, missing documentation or their good standing is in question, shall be referred to the Education Committee who shall review the application documents and resolve the issue or make a recommendation to the Board to either approve or deny the application.

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490:10-1-3.5. Requirements for initial licensure for adult day care (ADC) administrators

(a) In addition to the general requirements found in this Chapter, each applicant for initial licensure as an ADC administrator shall meet the requirements in this Section.

(b) Each applicant for initial licensure as an ADC administrator shall provide, or shall cause to be provided, written evidence satisfactory to the Board of the following:

(1) One of the following:

(A) A high school diploma AND five (5) consecutive years supervisory experience (full-time or equivalent) in a long term care or geriatric setting; OR

(B) A Bachelor's degree AND one (1) year of supervisory experience, preferably in a social or health services setting; OR

(C) An active Oklahoma Nursing license (either LPN or RN), in good standing, and two years of nursing experience.

(2) Successful completion of Board approved training for adult day care administrators;

(3) Receipt of a passing score on the Oklahoma State Standards examination for adult day care administrators within the twenty-four (24) months preceding the month in which the Board will be taking action to license the applicant, and if applicant is not licensed during this the twenty-four (24) month time period, applicant will have to pay all required fees and re-take the examination prior to any future licensing attempts; and

(4) Payment of the required fee(s).

490:10-1-3.6. Grandfathered license

(a) Effective October 1, 2012, all Adult Day Care Administrators shall be licensed by the Board. Individuals who were Adult Day Care Administrators, including those currently in upper management who routinely directly supervise and serve as interim administrators in the absence of the administrator, as of the effective date of these rules and who submit the required documentation to the Board prior to the deadline of October 1, 2012, may be licensed by the Board as Adult Day Care Administrators. This required documentation includes completing an application, providing proof that the applicant is currently employed as an Adult Day Care director/administrator, and the applicant shall submit to a background check. All applicants currently serving as Adult Day Care Administrators who do not meet the October 1, 2012 deadline and all new applicants must meet the initial application requirements set forth above. The initial "grandfathered" licenses expire on December 31, 2013. These licenses shall be renewable every year following that initial expiration as long as the license remains in good standing and required fees have been paid.

(b) Applicants for grandfathering who do not appear to have met the requirements for any reason, as determined by the staff on initial review, for such things as, but not limited to, issues or concerns with the background check, missing documentation or their good standing is in question, shall be referred to the Education Committee who shall review the application documents and resolve the issue or make a recommendation to the Board to either approve or deny the application.

490:10-1-4. Requirements for licensure by reciprocity/licensure by interstate endorsement for long term care administrators

(a) In addition to the general requirements found in this Chapter, each applicant for licensure by reciprocity/licensure by interstate endorsement as a nursing home administrator shall meet the requirements of this Section.

(1b) The Board has entered into a licensure by reciprocity/licensure by endorsement agreement with the National Association of Long Term Care Administrator Boards (NAB) that permits licensure for candidates for Nursing Home Administrators from other jurisdictions who have met the following minimum requirements.

(A+) Submission to the Board of "Official Proof" of successful completion of a formal program(s) of study and, at a minimum, receipt of a bachelor's degree that meets the requirements set forth in 490:10-1-3.;

(B2) Submission to the Board of evidence of current licensure, in good standing, as a long term care/nursing home administrator, and submission of proof that applicant has:

(iA) served full time as the administrator-of-record for the past two (2) consecutive years in a jurisdiction regulated by a licensing authority; or

(iiB) been active in long term care for at least two (2) of the past five (5) consecutive years;

(C3) Submission to the Board of proof of initial licensure as a long term care/nursing home administrator, including active NAB scores, and proof that such license is in good standing with that licensing authority;

(D4) Submission to the Board of full disclosure of any/all pending disciplinary actions or current investigations against applicant as well as any sanctions imposed against applicant's long term care/nursing home administrator license or against any professional license he/she presently holds or has ever held in any other State or jurisdiction, including, but not limited to: revocation; suspension; 'voluntary surrender'; other licensure restriction(s) that limited applicant's practice under such license; or the assessment of monetary penalties or fines or the assessment of additional CEUs by the licensing entity as a result of disciplinary proceedings;—Loss of a professional license due to nonrenewal or failure to obtain the required number of annual CEU hours are—is excepted from the full and complete disclosure otherwise required herein;

(E5) Documentation related to current or previous licensure shall be submitted directly to the Board by the state-appointed authority(ies) regulating the respective license(s); and

(6F) ~~payment~~ Payment of the required fee(s)

(e2) The Board, in its sole discretion, shall assess the magnitude of any disciplinary action taken by other licensing authorities ~~in~~ its determination of applicant's eligibility for an Oklahoma license.

(e3) Applicants otherwise determined eligible for Oklahoma licensure by reciprocity/interstate endorsement shall be required to sit for and receive a passing score on the Oklahoma State Standards examination and pay the required license fee before a license is granted by the Board.

(b) There is no reciprocity allowance for licensure for the RC/AL license, the RC license or the Adult Day Care License. All out of state licensure applications for these licensure types shall be treated as initial licensures with the exception of individuals who previously passed the NAB RC/AL exam, shall not be required to re-take that exam, however these individuals must provide Proof of having passed that exam.

490:10-1-5. Requirements for a provisional license as a nursing home administrator

(a) To fill a position of ~~long term care~~ nursing home administrator that unexpectedly becomes vacant, the Board may grant one (1) provisional license for a single period not to exceed six (6) months. The Board shall not grant another provisional license to fill a vacancy at the same facility for a period of one year after the date the provisional license is granted.

(b) In addition to the general requirements found in this Chapter each applicant for a provisional license shall meet the requirements of this Section.

(c) A provisional license may be granted to a person who does not meet all of the licensing requirements established by the Board, but who:

- (1) Has successfully completed a formal program(s) of study and, at a minimum, received a bachelor's degree that meets the requirements set forth in 490:10-1-3.;
- (2) Has obtained the services of a currently-licensed Oklahoma long term care administrator to act as an on-site consultant to the provisional licensee;
- (3) Has provided the Board with evidence indicating he/she has at least two (2) years of experience in a long term care facility;
- (4) Has received a passing score on the current Oklahoma State Standards examination; and
- (5) Has paid the required fee(s).

(d) The consultant administrator to a provisional licensee must have been employed in a comparable long term care facility in Oklahoma for a minimum of two (2) years.

(e) The consultant administrator to a provisional licensee shall:

- (1) Provide direct supervision of the provisional licensee for at least eight (8) hours per week with no more than 10 calendar days lapsing between consultant visits to the provisional licensee's facility; and
- (2) Submit monthly evaluation reports on the provisional licensee to the Board no later than the tenth day of each month for the duration of the provisional license.

490:10-1-5.1. Requirements for a provisional license as a residential care/assisted living administrator

There is no provisional license provision for residential care/assisted living administrators or residential care administrators.

490:10-1-5.2. Requirements for a provisional license as an adult day care administrator

There is no provisional license provision for adult day care administrators.

490:10-1-9. Inactive license [REVOKED]

(a) A licensee may request, in writing, for the Board to place his/her license on inactive status, and, if the Board approves the requested change in license status from active to inactive, the licensee shall not function in the capacity as a long term care administrator in Oklahoma until the license is reinstated by the Board to active status. Such requests must be received by the Board no less than fourteen (14) calendar days prior to the date of the Board Meeting at which the Board is to consider the request.

~~(1) Except as otherwise permitted in this Subchapter, requests by licensees to place his/her license on inactive status on or after after July 1, 2008, such request shall be denied by the Board if the licensee's license has been on inactive status for any longer than one (1) licensing year during the two (2) licensing years preceding the year for which inactive status is being requested.~~

~~(2) If, on or after July 1, 2008, a licensee submits a request for the Board to place his/her license on inactive status, and such request is granted by the Board, the change would be effective the earlier of either:~~

~~(A) The date his/her current license is due to be renewed; or~~

~~(B) The specific date during the current licensing year the licensee requested the change to be effective; and further, either effective date shall be no earlier than the date of the Board Meeting at which the Board acts upon his/her request for the change in license status from active to inactive.~~

~~(b) A licensee whose license is on inactive status will remain on the Board's mailing list, and his/her license is eligible for reinstatement from inactive to active status as described in this Chapter.~~

~~(c) In order to place an active license on inactive status, the licensee must, in advance of the expiration date of the current license:~~

~~(1) submit a written request to the Board to have his/her license placed on inactive status, and, if the Board grants the change in status,~~

~~(2) submit the annual inactive license fee as prescribed by the Board at OAC 490:1-7-2.~~

~~(d) A licensee's license may remain on inactive status for a period not to exceed two (2) consecutive licensing years.~~

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~~(1) For licensees whose license was placed on inactive status on or before June 30, 2007, the two (2) consecutive licensing years time period does not apply, rather such individuals' licenses may remain on inactive status for a period not to exceed five (5) consecutive licensing years, beginning with the date on which his/her license was placed on inactive status, and provided that the licensee appropriately requests his/her license remain on inactive status each time the license is due for renewal and such request has been granted by the Board.~~

~~(2) For licensees whose license was placed on inactive status on or after July 1, 2007, the two (2) consecutive licensing years time period shall end on the last day of the licensing year following the licensing year in which his/her license was placed on inactive status, provided that the licensee appropriately requests his/her license remain on inactive status when his/her license is due for renewal and such request has been granted by the Board.~~

~~(e) When applicable, a written request to continue a license on inactive status must be made each year during the annual license renewal period.~~

~~(f) The inactive license fee shall be charged annually each time inactive license status is requested.~~

490:10-1-10. Requirements for reinstatement from inactive status [REVOKED]

~~(a) In addition to the general requirements found in this Chapter each licensee who requests that his/her license be reinstated by the Board from inactive status to active status shall meet the requirements in this Section.~~

~~(b) A licensee who has been granted inactive license status by the Board, and who otherwise meets the qualifications to be granted an active license, may apply to the Board, in writing, requesting that the Board reinstate his/her license from inactive status to active status. Such written request shall be received at the Board offices not later than fourteen (14) calendar days prior to the Board Meeting at which the Board would act on the request. Licensee shall supply or cause to be supplied with or in support of such written application for reinstatement written evidence satisfactory to the Board of the following:~~

~~(1) Receipt of a passing score on the current Oklahoma State Standards examination;~~

~~(2) Completion of twenty four (24) clock hours of approved continuing education or completion of Administrator University during the licensing year preceding the licensing year for which licensee is requesting reinstatement;~~

~~(3) Payment of the current licensure fee and the status change fee as prescribed by the Board at OAC 490:1-7-2, and any unpaid fees or fines owed to the Board; and~~

~~(4) For those licensees who wish to reinstate their license to active status prior to the next annual license renewal date, the date on which they would like to have their license reinstated by the Board.~~

~~(e) For those licensees who had not completed or cannot provide written evidence verifying completion of the required twenty four (24) clock hours of Continuing Education Units~~

~~(CEUs) or completion of Administrator University in the licensing year preceding the licensing year in which his/her license would be reinstated to active status, such individuals have not met the requirements for license reinstatement as established by the Board and his/her license will not be reinstated to active status.~~

~~(d) A licensee who has not reinstated an inactive license to active status within the maximum allowed two (2) consecutive licensing years time limit or within such other length of time, as otherwise delineated within this Chapter, is considered to have abandoned his/her license and the practice of long term care administration, and the Board shall take action to formally vacate his/her license. An individual shall, if he/she wishes to practice long term care administration after failure to reinstate his/her license from inactive to active status, re apply to the Board and meet current requirements for initial licensure as a long term care administrator.~~

490:10-1-11. Requirements for restoration from suspended status

(a) In addition to the general requirements found in this Chapter, each applicant for restoration of a suspended license shall meet the requirements in this Section.

(b) Individuals seeking restoration of a license that has been suspended must petition and appear, in person, before the Board and provide the Board with written documentation that he/she has complied with all terms of the suspension.

(c) The Board, in its sole discretion, may restore a suspended license after the suspension time has elapsed, upon submission of evidence satisfactory to the Board that the conditions responsible for the suspension no longer exist and that no other reasons exist which warrant continued suspension.

(d) Evidence shall include complete documentation attested to under oath and by witnesses of facts that indicate that the conditions responsible for the suspension no longer exist. Letters of recommendations from employees, officers of courts, or respected members of the individual's community may also be submitted.

(e) Petitioners who have been suspended may be required to complete continuing education hours (in addition to those required for license renewal), and/or specific Administrator University In-Training (AIT) modules, and/or the portions of or the entire Administrator University curriculum at the discretion of the Board, at the expense of the applicant.

SUBCHAPTER 3. APPLICATION FOR LONG TERM CARE ADMINISTRATOR LICENSURE

490:10-3-1. Application for initial licensure, licensure by reciprocity/interstate endorsement, or provisional license

(a) Each applicant for licensure as a long term care administrator shall make a verified application on a form furnished by the Board stating the license type for which he is applying and remit a non-refundable application fee as prescribed by the Board at OAC 490:1-7-2.

(b) An application for initial license, for licensure by reciprocity/interstate endorsement or for a provisional license is valid for one year after the date of receipt by the Board.

(c) An applicant shall be deemed to have abandoned the application if he/she does not fulfill all requirements for licensure within one year from the date of application.

~~(d) An application for Administrators University (AU) may be used as an application for initial licensure. However, if this application is over a year old when all requirements have been met, the Board does require that this application be updated. Such an application shall be deemed abandoned if it has not been updated within the time restrictions for licensure.~~

~~(e)~~ An application for licensure submitted subsequent to the abandonment of a former application shall be treated as a new application and the applicant must meet current requirements for licensure as a long term care administrator.

~~(f)~~ Upon receipt of an application for licensure, the Board shall request that a criminal history background check be performed on the individual requesting licensure. If the results of a criminal background check reveal that the applicant has been convicted of or pleaded guilty or nolo contendere to any felony or to any misdemeanor involving moral turpitude, the individual's application for licensure may be disapproved and no further action will be taken on the application.

~~(g)~~ An application ~~shall be determined~~ is complete when:

- (1) the application fee prescribed by the Board at OAC 490:1-7-2. has been remitted and deposited to the Board's credit with the State Treasurer;
- (2) all documentation required to be submitted along with or in support of the application has been received by the Board;
- (3) the applicant has met all other requirements for an initial license, for licensure by reciprocity/interstate endorsement or for a provisional license, as applicable, and
- (4) the results of the criminal background check have been received by the Board .

~~(h)~~ Upon verification of compliance with all requirements, an applicant shall be eligible for consideration by the Board for purposes of licensure as a long term care administrator.

~~(i)~~ Applicants eligible for licensure shall pay a license fee as prescribed by the Board at OAC 490:1-7-2. The fee is due and payable on notice of eligibility for licensure. A license will not be issued until said fee is paid in full to the Board.

~~(j)~~ Upon payment of the license fee, the applicant's request for licensure shall be presented to the Board for consideration at the next Board meeting. Applicants are encouraged to attend the Board meeting.

(j) The certificate of license shall be presented at the Board meeting when it is approved, if possible, or mailed to the applicant within seven (7) working days of Board's formal grant of license to the applicant. Applicants are encouraged to attend the Board meeting.

(k) A temporary license may also be applied for in accordance with the provisions in paragraph 10-1-3.1(d) at the discretion of the applicant.

490:10-3-2. National ("~~NAB~~") examination

(a) An individual applying for an initial license must receive a passing score on the applicable exam, either the ~~national long term care Nursing Home administrator/Administrator ("NAB/NHA") examination or the Residential Care/Assisted Living ("RC/AL") exam~~ administered by the National Association of Long Term Care Administrator Boards (NAB)~~(neither is applicable to Residential Care or Adult Day Care administrator applicants)~~. The Board may waive this requirement if the applicant provides evidence that he/she has successfully passed the appropriate NAB"NAB" examination at a previous time. The NAB's RC/AL (Residential Care/Assisted Living) exam does not meet the requirement for a nursing home administrator license.

(b) An individual applying for licensure by reciprocity/licensure by interstate endorsement ~~or applying for reinstatement of a license from inactive status to active status~~ shall not be required to sit for and receive a passing score on the NAB's NHA"NAB" examination if the applicant provides evidence that he/she has successfully passed it at a previous time.

(c) An individual applying for a provisional license shall not be required to take the "~~NAB~~"NHA" examination.

(d) An applicant who fails to pass the "~~NAB~~"appropriate NAB examination may re-take the examination four (4) additional times , after which (5 failures) he/she ~~would~~will have to petition the Board, on each subsequent occasion, to allow him/her to sit for the examination. The Board, after reviewing the merits of each such petition, will either allow or deny the petition, and if the decision is to deny the petition, may propose other remedies that may increase the potential for the individual to successfully pass this examination on a future attempt (i.e. continuing education, NAB examination study/refresher course, etc.) prior to applicant re-petitioning the Board to allow applicant to re-take the ~~NAB~~ examination.

(e) Fees for ~~the all national examination~~examinations shall be in an amount prescribed by and are due and payable to the NAB or its authorized designee.

490:10-3-3. State Standards examination

(a) An individual applying for an initial license, licensure by reciprocity, or a provisional license, ~~or reinstatement of a license from inactive status to active status~~ must, prior to the issuance of the respective license ~~or prior to the reinstatement of an inactive license to active status~~, sit for and receive a passing score on the appropriate State Standards examination for the license for which he is applying. There shall be a separate examination for each type of license. First time applicants for initial licensure shall have received a passing score on the State Standards examination within the ~~sixty (60)~~ twenty-four(24)-months preceding the month in which the Board ~~would~~will be taking action to license the applicant, and if applicant is not licensed during this ~~60~~24-month time period, applicant ~~would~~will have to pay all required fees and re-take the examination prior to any future licensing attempts. Applicants for licensure by reciprocity/interstate endorsement, applicants for a provisional license, ~~licensees seeking reinstatement of his/her license from inactive status to active status~~ and applicants for initial licensure who have previously held

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an Oklahoma long term care administrator license must, prior to the issuance of the respective license ~~or reinstatement of a license from inactive to active status~~, sit for and successfully pass the current State Standards examination.

(b) The application and supporting documents required by the Board for an individual to sit for the State Standards examination must be completed and on file with the Board at least thirty (30) calendar days prior to the announced examination date.

(c) At least ten (10) calendar days prior to the scheduled examination, each applicant eligible to sit for the examination shall be notified of the time and place.

(d) The Board shall determine a passing score for the State Standards examinations, and shall apply such score uniformly to all persons taking the examinations.

~~(e) To meet the requirements of the State Standards examination, the applicant shall receive a passing score. The applicant must have received a passing score on the State Standards examination to be considered for licensure.~~

(f) An applicant who fails to pass ~~the~~ State Standards examination may re-take the examination three (3) additional times ~~(4 failures)~~. An applicant who fails each of his/~~her~~ first four (4) attempts to pass this examination will be required to petition and personally appear before the Board before ~~they~~ may apply to re-take the examination. The Board, in its sole discretion, may require that the applicant undergo additional training or education before permitting the applicant to sit for the examination a 5th (or any subsequent) time. Should the Board permit an applicant to sit for the examination a 5th time, and should applicant fail to pass the examination, applicant shall wait for a period of time of not less than one-hundred-eighty (180) calendar days before petitioning the Board to allow him/~~her~~ to again sit for the examination. Applicant shall personally appear before the Board, and the Board, after its consideration of the merits of the petition, may allow applicant to re-take the examination, may deny the application, or it may impose other remedies prior to further consideration of the petition.

(g) Fees for the State Standards examination shall be in an amount prescribed by the Board at OAC 490:1-7-2.

490:10-3-4. Admission to the State Standards and national examinations

(a) Upon review of applicant qualifications by Board staff, applicants meeting Board requirements are notified of his/~~her~~their eligibility to sit for the State Standards examination. Upon successful completion of Administrator University and a Board-approved AIT program, applicants for initial licensure as nursing home administrators become eligible to sit for the ~~national~~NAB's (NAB"NHA") examination. In all cases, except Residential Care and Adult Day Care where a NAB exam is not required, taking the appropriate NAB exam is the last step in the process and all other requirements must be met prior to being approved to sit for the national examination.

(b) Applicants for licensure by reciprocity/licensure by interstate endorsement, for a provisional license and for a certification as an assistant administrator (nursing facility

only)~~or for reinstatement of his/her Oklahoma license from inactive to active status~~ are eligible to sit for the State Standards examination on the next scheduled testing date, or pay the appropriate fee for an unscheduled testing date.

~~(c) All applicants shall be required to agree not to compromise or attempt to compromise the NAB or the Oklahoma State Standards examination by disclosing any information, questions, or answers on these examinations. This agreement shall be documented on a "Test Confidentiality and Attestation" form provided by the Board. Prohibited activities which might compromise these examinations include, but are not limited to:~~

~~(1) reproducing or assisting another by any means to reproduce or attempt to reproduce any portion of the examination, by any means, including electronic transmission or memorization;~~

~~(2) having any person (whether paid or unpaid) take the examination on their behalf; engaging in face-to-face, written, or electronic discussions, including on blogs, listservs, chat rooms, email, or any social media application, concerning the content of the examination for personal, commercial, or other reasons; and~~

~~(3) selling, distributing, buying, receiving or having unauthorized possession of any portion of the examination, specifically any questions or answers.~~

~~(d) Failure to observe the confidentiality of a NAB Examination or an Oklahoma State Standards Examination may result in disciplinary action by the Board as outlined in OAC 490:10-5-3(a)(23).~~

490:10-3-5. Application for licensure renewal

(a) Each applicant for a renewal of a license, ~~whether the status of such license is 'active' or 'inactive'~~, shall:

(1) File an application, on the form and in the manner as prescribed by the Board, prior to the expiration date of the current license.

(2) Submit evidence, upon request, satisfactory to the Board that the applicant has successfully completed the hours of continuing education as required for license renewal.

(3) Not have been reported to the Board pursuant to 68 O.S. Section 238.1 for non-compliance with State income tax requirements. If a licensee whose license is on 'active' status is found to be in non-compliance with these State income tax requirements:

(A) such license shall not be renewed; and

(B) licensee shall not have recourse against the Board for non-renewal of his/~~her~~ license.

(4) Submit to a criminal background check. At the time of annual license renewal, the Board will randomly select not less than a five (5%) percent sample from all renewed licenses, ~~including in the sample licenses on 'active' and 'inactive' status~~, against which sample the Board will perform criminal background checks. If the results of a criminal background check reveal that a licensee has been convicted of or pleaded guilty or nolo contendere to any felony or to any misdemeanor involving moral turpitude,

the licensee will be subject to Board sanction(s), including license suspension or revocation.

(5) Remit the Annual License Renewal fee as prescribed by the Board at OAC 490:1-7-2 and ensure all outstanding fees and fines owed to the Board have been paid. If a licensee has outstanding fees or fines owed to the Board, licensee shall not be permitted to renew his/her license until the same have been paid in full to the Board, provided that such payment is made prior to the expiration of the current license. If such payment is not made prior to the expiration date of the current license, licensee no longer holds a valid license and licensee is considered to have abandoned his/her license and the practice of long term care administration, and the Board shall take action to formally vacate his/her license. If this occurs, and if he/she wishes to resume the practice of long term care administration, he/she must re-apply to the Board, fully satisfy any/all outstanding fees or fines owed to the Board, and meet current requirements for initial licensure as a long term care administrator.

(b) A suspended license is an 'active' license against which the Board has taken disciplinary action and suspended licensee's ability to engage in the practice of long term care administration. As such, a suspended license shall be subject to expiration and shall be renewed as provided in this Section. Renewal of a suspended license shall not entitle the licensee to engage in the practice of long term care administration until the suspension is removed by the Board and the privilege to practice long term care administration is restored by the Board.

(c) It is the personal responsibility of each licensee to renew his/her license prior to the expiration date of the current license and, further, to ensure that the information he/she provides for purposes of renewal is true and accurate.

(d) If the license is not renewed by the last day of the current licensing year, a late fee of \$100 per week shall be assessed wherein the first day equates to the first week (e.g., week 2 starts on the 8th day...) up until the first Board meeting of the year when all non-renewed licenses at that point shall be declared lapsed by the Board and those licensee licenses shall be considered to have abandoned his/her their licenses and does do not hold a valid license as of 12:01 a.m. the first on the day after expiration of the ensuing licensing year and shall not hold a position or function in the capacity as a long term care administrator in Oklahoma.

(e) All individuals who failed to timely renew his/her license by the renewal deadline All lapsed licensees or certificate holders, following this declaration, (if he wishes to resume the practice of long term care administration) must re-apply to the Board and meet current requirements for initial licensure as a long term care administrator, provided that the individual petitioner can provide evidence to the Board that he complied with all lawful requirements for the retention or renewal of the license.

(1) will be notified of the non renewal, and such notification will include notification of the date, time and location of the Board meeting at which the Board will be

taking formal action to vacate all non renewed licenses; and

(2) will, at the Board meeting at which the Board will be taking formal action to vacate non renewed licenses, be afforded the opportunity to petition the Board for its consideration of possible reinstatement of the individual's lapsed license, provided that the individual petitioner can provide evidence to the Board that he/she complied with all lawful requirements for the retention or renewal of the license.

(f) All non-renewed licenses shall be presented to the Board at a meeting of the Board. The Board shall take formal action at that meeting to vacate all non-renewed licenses.

(g) Following this Board meeting, a listing of all licenses vacated by the Board shall be submitted to the Oklahoma State Department of Health, Long Term Care Services Division.

(h) An individual who practices after the expiration (lapse) of his/her license is practicing without a license and is subject to disciplinary action and/or sanctions as determined by the Board.

490:10-3-6. Licensure Provisional licensure term

A provisional license shall expire six (6) months from the effective date of the provisional license and shall not be renewed. All other licenses shall expire on December 31 following issuance and may be renewed annually thereafter.

SUBCHAPTER 5. DISCIPLINE

490:10-5-3. Disciplinary action

This subchapter applies to all long term care administrators.

(a) The Board may take action against an unlicensed person acting as administrator, and may deny an initial application; deny a renewal application; suspend or revoke a long term care administrator license or certification, a provisional license, a preceptor certification, an assistant administrator's certification, or an AIT internship training permit; warn; censure; reprimand; impose administrative fines or probation or use other remedies that may be considered to be less than suspension or revocation upon satisfactory evidence of any of the following:

(1) Obtaining or attempting to obtain a license or certificate by fraud, deceit, or misrepresentation.

(2) Conviction of or a plea of guilty or nolo contendere to any felony or to any misdemeanor involving moral turpitude.

(3) Use of legally-prescribed or illegal drugs (narcotics or other dangerous drugs) or alcohol or the dependence on legally-prescribed drugs or illegal drugs or alcohol, or gambling, if such use or dependence, or such gambling, or the behaviors related to or resulting from such use or dependence compromise the individual's ability or capacity to fulfill his/her duties or responsibilities in the long term care facility, or if the same constitute(s) a criminal offense.

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- (4) Commitment to a mental institution or judicial determination of incompetence.
- (5) Gross negligence, or negligence that constitutes a danger to the health, welfare or safety of the residents or the public.
- (6) Physical or verbal abuse of a resident or misappropriation of a resident's funds or property; failure to report an allegation of physical or verbal abuse of a resident or misappropriation of a resident's funds or property to appropriate state authorities as required by law.
- (7) Fraudulent, deceptive or dishonest conduct in the management of a long term care facility, or other conduct unbecoming to a person licensed or subject to licensure under this law when, in the judgment of the Board, such conduct is detrimental to the best interest of the long term care profession and the public.
- (8) Except as otherwise permitted in this Chapter, concurrently serving or acting as the administrator of more than one nursing facility; or exceeding the conditions placed on administrators of ICFs/MR with 16 beds or less as stated in this Chapter; or otherwise serving as an administrator beyond the scope of their licensed authority.
- (9) Failure to comply with State or federal requirements applicable to the facility.
- (10) Failure to comply with rules and requirements for administrators established by the Board, including the Administrator Code of Ethics and Administrator Responsibilities adopted by the Board.
- (11) Evidence that the administrator has paid, given, has caused to be paid or given or offered to pay or to give to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of ~~nursing~~ long term care facility patronage.
- (12) Intentional retaliation or discrimination against any resident or employee for contacting or providing information to any State official, licensing agency or regulatory agency.
- (13) Failure to provide verification of continuing education hours.
- (14) Sexual abuse, sexual harassment, or sexual exploitation of any resident, employee, trainee, volunteer, consultant, or visitor to the facility in which the licensee practices.
- (15) Falsification of any records relating to the operation of a long term care facility; falsification of records submitted to the Board or any other state or federal agency; falsification of a resident's records, or causing a resident's records to be falsified.
- (16) Use of the licensee's professional status, title, position, or relationship as a long term care facility administrator to coerce, improperly influence, or obtain money, property, or services from a resident, resident's family member, employee, visitor, or any person served by or doing business with the facility that employs the administrator.
- (17) Interfering with, refusing to participate in, or impeding any investigation, inspection, or disciplinary proceeding authorized by Statute.

- (18) Violation of any disciplinary order, consent agreement, term of suspension, condition, stipulation, or any other limitation imposed on the licensee by the Board.
- (19) ~~Unlicensed practice by an applicant for licensure; practice on a revoked, suspended, or lapsed, or inactive license; or practice on a provisional license without the use of an on-site consultant or as a Certified Assistant Administrator without the oversight of an Administrator-of-Record.~~
- (20) Failure to pay fees or fines established or imposed by the Board.
- (21) Knowingly aiding, assisting, or advising a person to unlawfully practice as an administrator without a required license.
- (22) Failure to adequately supervise an assistant administrator and/or failure to assure that the assistant administrator complies with state and federal requirements applicable to the facility.
- (23) Conduct that violates the security of any licensure examination materials.
- (24) Coercion or harassment, or the attempt to coerce or harass, or the use of any other form of uninvited solicitation directed toward a resident of a long term care facility or toward a member of the resident's family or the resident's guardian for the purpose of attempting to persuade the resident to change long term care facilities.
- (25) Failure to notify the Board of a change of name, business or personal mailing address(es), or change of employment within fifteen (15) calendar days of the occurrence.
- (26) Coercion or harassment of, or the attempt to coerce or harass, a member of the Board, a Board employee or an authorized agent or representative of the Board as related to any matter or issue over which the Board has jurisdiction.

490:10-5-5. Summary suspension

- (a) The Board may order a summary suspension of an administrator's license/certification or an intern/trainee Administrator-In-Training internship permit, if, in the course of an investigation, it is determined that ~~a licensee or an AIT intern/trainee~~ the respondent has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of one-or-more residents or ~~to~~ the health, safety or welfare of the public, or detrimental to the profession of long term care administration, and which conduct necessitates immediate action to prevent further harm.
- (b) The Board shall be charged with making the determination that an emergency exists and that a summary suspension is necessary, and shall incorporate in its Order that public health, safety or welfare requires emergency action.
- (c) Proceedings for revocation or other appropriate action shall be promptly instituted and a determination promptly rendered by the Board.

SUBCHAPTER 7. ADMINISTRATOR UNIVERSITY

490:10-7-3. General provisions

- (a) The Board is committed to providing learning opportunities to individuals interested in pursuing a career in long term care administration, and enhancing the development of licensed administrators. To further this objective, the Board has established an Administrator University (AU) for nursing home administrator applicants with curriculum designed specifically to provide individuals with knowledge and skills necessary to be a successful nursing home and/or ICF/MR administrator. The Board will periodically review and approve or establish training for residential care/assisted living and adult day care administrators as deemed necessary.
- (b) Effective August 1, 2006, individuals applying to become a nursing home administrator administrators shall successfully complete Administrator University prior to being licensed.
- (c) Administrators who are already licensed in the State of Oklahoma as a nursing home administrator may enter Administrator University for enhanced training.
- (d) At the Board's discretion, specific classes or the entire Administrator University curriculum may be imposed as a remedy ~~penalty~~ for the violation of rules and/or standards established by the Board.
- (e) A fee prescribed by the Board at OAC 490:1-7-2 shall be submitted with the application form prior to admission to Administrator University.
- (f) ~~An Applicant~~ applicant for licensure who successfully ~~complete~~ completes Administrator University (AU) will not have to repeat Administrator University ~~is if~~ if he/she is successfully licensed in Oklahoma as a long term care administrator within ~~sixty (60)~~ twenty-four (24) months ~~of after~~ the month he/she first began attending AU classes.
- (g) If applicant fails to become licensed as an Oklahoma long term care administrator during this ~~60~~ 24-month time frame, applicant ~~would~~ will have to pay all applicable fees and repeat Administrator University prior to any future licensing attempts.

**SUBCHAPTER 8.
ADMINISTRATOR-IN-TRAINING (AIT)
INTERNSHIP PROGRAM FOR NURSING HOME
ADMINISTRATORS**

490:10-8-2. Application

- (a) The applicant shall submit to the Board an application, which shall contain such information as name, education, employment history, information pertaining to moral character, any other information the Board requires, and an affidavit stating that the applicant, if granted a license, will obey the laws of the State and the rules of the Board, and will maintain the honor and dignity of the profession.
- (b) To satisfy the Board's requirement for evidence verifying educational degree(s) conferred or hours of post-secondary education completed, the applicant shall meet the requirements found at OAC 490:10-3-1.1.

- (c) The applicant will be subjected to a criminal background check as described in this Chapter prior to beginning an AIT internship.
- (d) A fee as prescribed by the Board at OAC 490:1-7-2 shall be submitted with the application.
- (e) ~~An Applicant~~ applicant who successfully ~~complete~~ completes a Board-approved AIT internship will not have to repeat the internship if he/she is successfully licensed as a long term care administrator in Oklahoma within the ~~sixty (60)~~ twenty-four (24) months following the month in which he/she first began his/her internship, and if applicant fails to secure licensure within this ~~60~~ 24-month time frame, applicant ~~would~~ will have to pay all applicable fees and serve a new AIT internship prior to any future licensing attempts.

490:10-8-3. Training permit

- (a) In order for a training permit to be issued, ~~it is a requirement that~~ the facility or facilities at which the AIT internship is to be served must be:
 - (1) licensed by the Oklahoma State Department of Health as a long term care facility; and
 - (2) in substantial compliance with the rules and regulations governing licensure and operation of long term care facilities.
- (b) After approval of the proposed AIT internship, the Board shall issue an applicable AIT internship training permit to the applicant (the 'intern/trainee'), one that shall be valid for a maximum one-year time period beginning on the date the permit is issued.
- (c) Should the intern/trainee not maintain acceptable standards and submit the required reports or cause the same to be submitted, the Board shall place the intern/trainee on probation or may rescind the AIT internship training permit.

490:10-8-4. Preceptor selection

- (a) From a list of preceptors 'certified' by the Board, the intern/trainee may indicate his/her choice.
- (b) It shall be the responsibility of the Board to contact a preceptor to determine if the preceptor will accept the applicant.
- (c) Once a preceptor accepts an AIT intern/trainee, any subsequent changes must be approved by the Board.
- (d) The preceptor shall notify the Board of the date of acceptance and the date of any discontinuance of AIT internship.

490:10-8-5. Preceptor qualifications

- (a) A licensed administrator wishing to be certified as a preceptor for the AIT program may apply to the Board on the form and in the manner prescribed by the Board.
- (b) To be certified as a preceptor, the applicant shall:
 - (1) exemplify the highest ethical and professional standards as an administrator for at least the preceding twenty-four (24) consecutive months;
 - (2) be licensed and be able to document employment as:
 - (A) an Oklahoma long term care administrator for at least twenty-four (24) consecutive months of the preceding sixty (60) months; OR

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(B) an Oklahoma long term care administrator for at least twenty four (24) of the preceding sixty (60) months and supervising administrators in multiple locations wherein an AIT could be appropriately trained under his direct and/or indirect supervision, e.g., as a regional supervisor or operations officer with multiple homes;

(3) successfully complete preceptor training that meets the requirements established by the Board; and

(4) ~~have~~ has not been the subject of any action by any Board or licensing authority which resulted in formal reprimand, suspension or revocation of license, or in an administrative fine within the preceding twenty-four (24) consecutive months.

(c) If the Board imposes a sanction against an administrator, such administrator may not be eligible to be certified as a preceptor for twenty-four (24) months from the date of the sanction, as specified in the sanction's final or agreed order.

(d) Preceptors shall be certified for a period of ~~twenty four (24)~~ thirty-six (36) months if active (who trained at least one trainee during the first twenty four (24) months of their preceptorship) or twenty four (24) months if inactive. ~~and~~ Preceptors may be re-certified at the discretion of the Board. There shall be an automatic extension of the certification period for any preceptor whose certification expires while overseeing an AIT intern/trainee, provided that the preceptor otherwise meets all other requirements for certification and those governing assignment of a preceptor to an AIT intern/trainee. The extension shall be granted to the end of the training period for the particular intern/trainee.

490:10-8-5.1. Preceptor designation/assignment to an AIT intern/trainee

In order to be designated/assigned as the preceptor for an AIT training program, a 'certified' preceptor must:

(1) be either the full-time administrator-of-record of the facility at which the AIT intern/trainee would be completing his/~~her~~ internship rotation, OR a licensed administrator and the direct supervisor of the administrators(s)-of-record at the facility(s) at which the AIT intern/trainee would be completing his internship rotation;

(2) agree to give the intern/trainee an opportunity to observe and take part in the managerial tasks associated with the operation of ~~the~~ facility, acquaint the intern/trainee with the organization and operation of all the various departments of the facility by permitting his/~~her~~ observation and/or participation in department activities subject to the training program approved by the Board;

(3) hold regular meetings and/or discussions with the intern/trainee to discuss progress to date, consider refinements to hours spent in each module/domain of practice (in preparation for the NAB NHA exam), and interview him/~~her~~ upon completion of the internship to mutually discuss noted strengths and weaknesses; and

(4) upon satisfactory completion of the program, provide the Board a letter certifying the completion of the required internship hours.

490:10-8-6. Curriculum for nursing home administrator AITs

(a) The preceptor, in conjunction with the AIT intern/trainee, will assess and evaluate the background, training and experience of the intern/trainee to determine specific areas of concentration within the domains of practice and departmental rotations.

(b) The preceptor will submit to the Board, prior to or within the first week of an AIT internship, an individualized curriculum for the intern/trainee, one that meets the Board's AIT internship requirements. The Board requires that the training be carried out in modules as delineated in the training materials.

490:10-8-7. Module reports for nursing home administrator AITs

(a) At the conclusion of each module of training, the preceptor will submit to the Board an evaluation of progress on a form approved by the Board for that purpose.

(b) Module reports must be received in the Board's office within ten (10) working days of completion of the module.

490:10-8-8. Preceptor's final report

(a) At the end of the approved AIT internship, the preceptor will submit a final report and an evaluation of the intern/trainee on the form(s) and in the manner as prescribed by the Board. The preceptor will sign the form(s). The form(s) will indicate whether or not the intern/trainee has satisfactorily completed the prescribed internship program.

(b) The reports will be filed in the intern/trainee's file in the Board's office and will become a record in the individual's file.

(c) Preceptors for nursing home AIT candidates shall be awarded 3 CEUs per each trainee completed (awarded in the year the training was completed) and may earn up to 9 CEUs in this manner per calendar year.

490:10-8-10. Change of status and discontinuance

(a) If the intern/trainee wishes to change to another preceptor, or discontinues the training, the intern/trainee must notify the Board prior to making this change.

(b) The notification requires the name of the intern/trainee and preceptor, the change requested, the effective date, reasons for the change, and any other information that the Board may request. Either the intern/trainee or the preceptor must sign the notification.

(c) If a substandard quality of care finding in a facility is upheld against an administrator who is a certified preceptor working with an intern/trainee, the Board ~~shall assist the intern/trainee in finding a new preceptor.~~ shall evaluate the situation and determine if there is a need to assist the intern/trainee in finding a new preceptor and may, at its sole discretion, direct that a new preceptor be assigned to the AIT.

490:10-8-11. Dismissal from program

(a) The preceptor will inform the intern/trainee of his ~~or her~~ performance as the program progresses.

- (b) If the intern's/trainee's performance is not acceptable, the preceptor will so inform him ~~or her~~, and the intern/trainee will be given an opportunity to correct the deficiencies.
- (c) If the intern/trainee does not correct the deficiencies, the preceptor will notify Board staff of the same, and a member of the Board's staff will notify the intern/trainee that he ~~or she~~ will be dismissed from the program.
- (d) If the intern/trainee violates any of the Board's rules or regulations, or if the intern/trainee violates any of the policies or procedures of the facility(ies) at which he~~she~~ is serving his~~her~~ AIT training, the preceptor or authorized representatives of the facility(ies) will notify the Board's staff of the same, and the Board staff will notify the intern/trainee that he~~she~~ can no longer participate in the program.
- (e) The intern/trainee may appeal dismissal from the program by petitioning the full Board for a formal hearing.

490:10-8-13. AIT time on the job

- (a) The intern/trainee shall serve a 560 hour internship, unless in the opinion of the Board or preceptor, the intern/trainee requires additional hours of training; or unless the hours required to complete the internship, are otherwise reduced by formal action of the Board.
- (b) An internship that has been discontinued due to a period of active duty military service of the intern/trainee shall be allowed to be completed within one (1) year after the intern/trainee has completed his~~her~~ military service obligation. If this time frame cannot be met by the intern/trainee, the previously-started internship shall be cancelled by the Board and he~~she would~~ will have to reapply to the Board for a new internship and pay all applicable fees. If an internship has been discontinued due to active duty military service of the preceptor, the Board will work with the intern/trainee to secure another preceptor.
- (c) An internship that has been discontinued for any purpose other than military service, and such discontinuance exceeds one year from the date of the beginning of the discontinuance, that internship will be cancelled by the Board, and the AIT intern/trainee shall be required to reapply to the Board for a new internship and pay all applicable fees.
- (d) Only one discontinuance is allowed.
- (e) Internships shall be completed in not less than fourteen (14) consecutive weeks nor more than twelve (12) consecutive months.
- (f) This section shall be subject to the requirements of any other provisions of law.
- (g) The intern/trainee must complete the internship in a facility or facilities that is (are) currently in substantial compliance with the rules and regulations governing long term care facilities in Oklahoma.

490:10-8-14. AIT Internship exempt status

The Board, in its sole discretion, may waive the AIT internship requirement entirely, or portions thereof, for those applicants who show evidence of the following:

- (1) Prior successful completion of a formal internship program that meets or exceeds Board requirements, such

as in another state or in a NAB accredited long term care degree program.

(2) A registered nurse (RN) or licensed practical nurse (LPN) with a minimum of two (2) years experience in supervision in a licensed nursing facility or other long term care facility may, at the sole discretion of the Board, be exempt from the nursing department module or portions thereof. Any such exemption granted by the Board shall not lessen the total number of hours that the intern/trainee must serve to complete the required number of hours for the internship.

SUBCHAPTER 13. STANDARDS FOR ADMINISTRATORS

490:10-13-1. Administrator Code of Ethics

- (a) The Board is committed to ethical professional conduct and therefore adopts the following standards to establish and maintain a high degree of integrity and dignity in the profession and to protect the public against unprofessional conduct on the part of long term care administrators. All long term care administrators and AITs shall be encouraged to participate in their professional association, the American College of Health Care Administrators (ACHCA and often referred to as "the college") as a means of continually improving themselves as long term care professionals and another source for CEUs.
- (b) The American College of Health Care Administrators Code of Ethics is adopted as follows:

(1) Preamble: The preservation of the highest standards of integrity and ethical principles is vital to the successful discharge of the professional responsibilities of all long-term health care administrators. This Code of Ethics has been promulgated by the American College of Health Care Administrators (ACHCA) in an effort to stress the fundamental rules considered essential to this basic purpose. It shall be the obligation of members to seek to avoid not only conduct specifically proscribed by the code, but also conduct that is inconsistent with its spirit and purpose. Failure to specify any particular responsibility or practice in this Code of Ethics should not be construed as denial of the existence of other responsibilities or practices. Recognizing that the ultimate responsibility for applying standards and ethics falls upon the individual, the ACHCA establishes the following Code of Ethics to make clear its expectation of the membership.

(2) Expectation I: Individuals shall hold paramount the welfare of persons for whom care is provided.

(A) Prescriptions: The Health Care Administrator shall:

(i) Strive to provide to all those entrusted to his or her care the highest quality of appropriate services possible in light of resources or other constraints.

(ii) Operate the facility consistent with laws, regulations, and standards of practice recognized in the field of health care administration.

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- (iii) Consistent with law and professional standards, protect the confidentiality of information regarding individual recipients of care.
 - (iv) Perform administrative duties with the personal integrity that will earn the confidence, trust, and respect of the general public.
 - (v) Take appropriate steps to avoid discrimination on the basis of race, color, sex, religion, age, national origin, handicap, marital status, ancestry, or any other factor that is illegally discriminatory or not related to bona fide requirements of quality care.
- (B) Proscription: The Health Care Administrator shall not:
- (i) Disclose professional or personal information regarding recipients of service to unauthorized personnel unless required by law or to protect the public welfare.
- (3) Expectation II: Individuals shall maintain high standards of professional competence.
- (A) Prescriptions: The Health Care Administrator shall:
- (i) Possess and maintain the competencies necessary to effectively perform his or her responsibilities.
 - (ii) Practice administration in accordance with capabilities and proficiencies and, when appropriate, seek counsel from qualified others.
 - (iii) Actively strive to enhance knowledge of and expertise in long-term care administration through continuing education and professional development.
- (B) Proscriptions: The Health Care Administrator shall not:
- (i) Misrepresent qualifications, education, experience, or affiliations.
 - (ii) Provide services other than those for which he or she is prepared and qualified to perform.
- (4) Expectation III: Individuals shall strive, in all matters relating to their professional functions, to maintain a professional posture that places paramount the interests of the facility and its residents.
- (A) Prescriptions: The Health Care Administrator shall:
- (i) Avoid partisanship and provide a forum for the fair resolution of any disputes which may arise in service delivery or facility management.
 - (ii) Disclose to the governing body or other authority as may be appropriate, any actual or potential circumstance concerning him or her that might reasonably be thought to create a conflict of interest or have a substantial adverse impact on the facility or its residents.
- (B) Proscriptions: The Health Care Administrator shall not:
- (i) Participate in activities that reasonably may be thought to create a conflict of interest or have the potential to have a substantial adverse impact on the facility or its residents.
- (5) Expectation IV: Individuals shall honor their responsibilities to the public, their profession, and their relationships with colleagues and members of related professions.
- (A) Prescriptions: The Health Care Administrator shall:
- (i) Foster increased knowledge within the profession of health care administration and support research efforts toward this end.
 - (ii) Participate with others in the community to plan for and provide a full range of health care services.
 - (iii) Share areas of expertise with colleagues, students, and the general public to increase awareness and promote understanding of health care in general and the profession in particular.
 - (iv) Inform the ACHCA Standards and Ethics Committee of actual or potential violations of this Code of Ethics, and fully cooperate with the ACHCA's sanctioned inquiries into matters of professional conduct related to this Code of Ethics.
- (B) Proscription: The Health Care Administrator shall not:
- (i) Defend, support, or ignore unethical conduct perpetrated by colleagues, peers or students.
- (c) The Board adopts the following as an addition to the code of ethics: Administrators have a fiduciary duty to the facility and cannot serve as guardian of the person or of the estate, or hold a durable power of attorney or power of attorney for any resident of a facility of which they are an administrator.
- (d) Licensees shall place a copy of the Administrator Code of Ethics approved by the Board in a conspicuous location in a public area in the place of business requiring such license.

490:10-13-2. Administrator responsibilities

- (a) It is the responsibility of the long term care administrator, as the managing officer of the facility, to plan, organize, direct, and control the day-to-day functions of a facility and to maintain the facility's compliance with applicable laws, rules, and regulations. The administrator shall be vested with adequate authority to comply with the laws, rules, and regulations relating to the management of the facility.
- (b) Long term care administrators licensed/certified by the Board shall adhere to the Administrator Code of Ethics as adopted by the Board.
- (c) ~~Long term care~~ Nursing home administrators licensed by the Board shall not concurrently serve as the administrator-of-record of more than one long term care facility except as otherwise permitted in this Chapter. A ~~Long Term Care~~ licensed nursing home ~~Administrator~~ administrator may serve as the administrator of more than one intermediate care facility for the mentally retarded with sixteen or fewer beds (ICF/MR-16), only if such facilities are located within a circle that has a radius of not more than fifteen (15) miles, and the total number of facilities and beds does not exceed the lesser

of six (6) facilities or total licensed capacity of sixty-four (64) beds.

(d) A long term care administrator licensed/certified by the Board must devote at least one-half (1/2) of such person's working time to on-site, on-the-job supervision of a long-term care facility at which he/she is listed as being the Administrator-of-Record. As used herein, 'working time' is defined as being a full-time employee scheduled to work forty (40) hours per week. The administrator's working time on-site at the facility shall be distributed throughout each calendar week, with emphasis placed on weekdays, Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m. This requirement shall not apply to an administrator of an intermediate care facility for the mentally retarded with sixteen or fewer beds (ICF/MR-16), or in an ALF or RCF when otherwise legally authorized to be the administrator of more than one such facility, and shall not apply to administrators governed under OAC 490:10-13-3.(g).

(e) Every person licensed/certified as an administrator and designated the "Administrator-of-Record" shall display the appropriate "Certificate of" or "License" in a conspicuous place in the facility or place of business requiring such license/certification.

(f) Each licensed/certified administrator shall notify the Board, in writing, within fifteen (15) calendar days following the change of his/her name, business and/or personal mailing address, change in employment or change in employment status, on the form and in the manner as prescribed or as may be prescribed by the Board. The Board will assess a late fee as prescribed at OAC 490:1-7-2 if it is determined that the administrator failed to provide current contact information within this fifteen day period.

(g) Upon receipt of satisfactory evidence that a licensee's "Certificate" or "License" has been lost, mutilated, or destroyed, the Board may issue a duplicate replacement license upon payment of a fee as prescribed by the Board at OAC 490:1-7-2.

(h) To change his/her name on a "Certificate of License", the licensee must provide legal proof of the name change (e.g., copy of marriage certificate, divorce decree, etc.) before a replacement "Certificate of License" will be issued.

(i) An administrator shall not knowingly initiate contact with an individual currently residing in a long term care facility, or knowingly initiate contact with the family or guardian of an individual currently residing in a long term care facility, for the purpose of attempting to persuade a change in that individual's residence to another long term care facility.

(j) An administrator shall not knowingly solicit, or permit an employee to solicit clients for his/her long term care facility through coercion or harassment. If an administrator has knowledge of such actions by an employee, the administrator shall take such steps as are reasonable and necessary to stop such conduct.

(k) An Administrator, or applicant for Administrator licensure/certification, in connection with a license /certificate application or an investigation conducted by the Board or an investigation conducted by the Oklahoma State Department of Health, the Oklahoma Department of Human Services, the

Oklahoma Health Care Authority, or any other agency of the State or federal government having regulatory responsibility over or relating to the delivery of care to persons in a facility operated or managed by the Administrator, shall not:

- (1) knowingly make a false statement of material fact;
- (2) fail to disclose a fact necessary to correct a misrepresentation known by the Administrator or applicant for licensure/certification to have arisen in the application or the matter under investigation; or
- (3) fail to respond to a demand for information made by the Board or such government agency or any designated representative thereof.

490:10-13-3. Requirements for administrators who serve as the Administrator-of-Record of two (2) or more licensed long term care (nursing) facilities located within a fifty (50) mile radius of each other, wherein the total number of occupied beds does not exceed one-hundred-twenty (120) beds and wherein one-or-more individuals is/are employed in Assistant Administrator capacities

(a) The Administrator-of-Record is responsible for ensuring that all minimum requirements delineated herein relating to individuals who wish to serve in the capacity of Assistant Administrator are met prior to the delegation of duties and responsibilities to such individual.

(b) The Administrator-of-Record shall provide qualified individuals serving as an Assistant Administrator with adequate authority and responsibility to administer those aspects of the operations of the facility that are to be delegated to them, including the authority to act in an emergency.

(c) The Administrator-of-Record shall clearly, and in writing, develop a formal job description for the position of Assistant Administrator, wherein the duties and responsibilities of the individual serving as an Assistant Administrator are clearly delineated.

(d) The Administrator-of-Record shall provide supervision, training and direction to the Assistant Administrator and delegate only those duties and responsibilities that may safely be performed by the individual filling that role and that are not otherwise proscribed by law, rule or statute.

(e) The Administrator-of-Record, being licensed by the Board, is legally and ultimately responsible for the management and operation of the facility and, as such, shall maintain sufficient on-site presence in the facility to effectively supervise the Assistant Administrator.

(f) The Administrator-of-Record shall ensure the Assistant Administrator does not concurrently serve as an Assistant Administrator of more than one (1) long term care facility.

(g) The Administrator-of-Record shall spend at least ten (10) hours per calendar week on-site in the facility, providing guidance and direction to the Assistant Administrator, and further, such on-site supervisory visits shall not be more than ten (10) calendar days apart.

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(h) The Administrator-of-Record shall establish a clearly-written policy delineating who the individual residents, residents' family members and/or guardians, and facility staff should contact when the Administrator-of-Record is absent from the facility as well as the procedure that is to be utilized that clearly indicates 'when' and 'how' such contact shall be made. The policy and procedure shall be provided to residents, residents' family and/or guardians, and facility staff and shall be posted in a conspicuous place in the facility.

(i) The Administrator-of-Record shall not delegate nor cause to be delegated to the Assistant Administrator any duty or responsibility that has been specified in State or federal law, statute, rule or regulation as being a duty or responsibility that can only be performed by a duly licensed Administrator or any duty or responsibility that is otherwise prohibited by State or federal law, statute, rule or regulation.

(j) The Administrator-of-Record shall ensure that no individual serve as the Assistant Administrator if that individual holds a license granted by this Board, but which license is suspended, revoked or otherwise restricted, or if that individual has been sanctioned (formally excluded from participation in federally-funded health programs) by the U.S. Department of Health and Human Services (DHHS), Office of Inspector General (OIG).

(k) The ~~facility~~ Administrator-of-record shall ensure that no individual serves as an Assistant Administrator if the facility at which the Assistant Administrator is to serve is not one of two-or-more facilities at which the Administrator serves as the Administrator-of-Record, that have a total bed complement not to exceed one-hundred-twenty (120) occupied beds and that are located with a fifty (50) mile radius of each other.

(l) The Administrator-of-Record shall establish a requirement for the certified assistant administrator to successfully complete no less than twenty-four (24) continuing education clock hours during each licensure period as a condition of employment and shall be responsible to ensure the certified assistant administrator(s) working under their license has renewed their certification with the Board by the end of each licensure period.

[OAR Docket #12-716; filed 5-24-12]

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 15. LONG TERM CARE CERTIFIED ASSISTANT ADMINISTRATORS

[OAR Docket #12-717]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. Certification of Long Term Care Assistant Administrators
490:15-1-3. Minimum qualifications for an individual applicant to meet certification requirements for an Assistant Administrator [AMENDED]

490:15-1-3.1. Evidence Requirements [AMENDED]

490:15-1-4. Conditions of employment for individuals 'certified' by the Board as having met the minimum qualifications required for them to serve as a "Assistant Administrator [AMENDED]

Subchapter 3. Application for certification and requirements for continued eligibility

490:15-3-2. Approval process [AMENDED]

490:15-3-3. Requirements for Certified Assistant Administrators [NEW]

AUTHORITY:

Oklahoma State Board of Examiners for Long Term Care Administrators; 63 O.S., §§ 330.51 et seq.

DATES:

Comment period:

February 1, 2012, through March 2, 2012

Public hearing:

March 2, 2012

Adoption:

March 2, 2012

Submitted to the Governor:

March 6, 2012

Submitted to House:

March 6, 2012

Submitted to Senate:

March 6, 2012

Gubernatorial approval:

April 13, 2012

Legislative approval:

May 3, 2012

Final adoption:

Failure of the Legislature to disapprove the rule(s) resulted in approval on May 3, 2012

Effective:

July 1, 2012

SUPERSEDED EMERGENCY ACTIONS:

NA

INCORPORATIONS BY REFERENCE:

NA

ANALYSIS:

The purpose of the rules changes was to update the requirements for long term care administrators in Oklahoma, primarily to include additional administrator types added to the purview of this Board (OSBELTCA) and to make proper allowances for their licensure by this Board, pursuant to recent statutory changes and under the authority of those statutory changes by the newly appointed Board. This required the addition of more terms to be defined or re-defined, detailing requirements for licensure for these new types of administrators and generally correcting terminology within the rules to reflect these changes. Additionally, there were other minor issues corrected to include the renewal of certified assistant administrators annually and requiring these same individuals to accomplish continuing education as a condition of employment. Likewise, the penalty for failure to accomplish continuing education, for all administrator types, was codified. The totality of these rules changes encompass Chapters 1, 10 and 15 (and a portion of Chapter 1 was approved separately by HJR1111).

CONTACT PERSON:

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**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING RULES ARE CONSIDERED
FINALLY ADOPTED AS SET FORTH IN 75 O.S.,
SECTION 308.1(A), WITH AN EFFECTIVE DATE
OF JULY 1, 2012:**

SUBCHAPTER 1. CERTIFICATION OF LONG TERM CARE ASSISTANT ADMINISTRATORS

490:15-1-3. Minimum qualifications for an individual applicant to meet certification requirements for an Assistant Administrator

(a) In addition to the general requirements for administrators found at OAC 490:10-1-2.1, each applicant seeking certification as having met the minimum qualifications to be able to serve as an Assistant Administrator shall meet the requirements in this Section.

(b) In order to qualify to receive a letter from the Board wherein the Board would 'certify' that the individual met the minimum qualifications to be able to serve as an Assistant Administrator, each applicant must provide evidence satisfactory to the Board of the following:

- (1) Successful completion of a high school education and receipt of a high school diploma, or receipt of his/her G.E.D.;
- (2) Successful completion of a Board-approved intensive review course on State Rules and Regulations;
- (3) Receipt of a passing score on the current Oklahoma State Standards examination; and
- (4) two (2) years of current management, leadership or supervisory experience in a long term care facility.

490:15-1-3.1. Evidence requirements

To satisfy the Board's requirement for evidence indicating experience, the applicant shall submit a declaration signed by a licensed administrator of a long term care facility, facility medical director, facility director of nurses, or registered nurse, who can attest to the applicant's work and supervisory experience, explicitly stating how many individuals the candidate supervised in his supervisory role(s). The supervision of a program is not considered the same as supervision of personnel.

490:15-1-4. Conditions of employment for individuals 'certified' by the Board as having met the minimum qualifications required for them to serve as an Assistant Administrator

(a) Under the supervision, direction and license of the licensed Administrator-of-Record, it shall be the responsibility of the Assistant Administrator to plan, organize, direct, and control those day-to-day functions of a facility delegated to him/her and to maintain the facility's compliance with applicable laws, rules, and regulations during the absence of the licensed administrator.

(b) An Assistant Administrator shall practice only under the direct supervision and license of a licensed Administrator-of-Record who is in charge of two-or-more licensed facilities within a 50-mile radius wherein the total number of occupied beds does not exceed 120, and whose license is active and otherwise unrestricted. An Assistant Administrator shall not continue to serve at a facility in the assistant administrator capacity if the license of the Administrator-of-Record is the Administrator-of-Record at a single nursing facility, the administrator's license is suspended, or revoked or placed

on inactive status, or if the Administrator-of-Record resigns his/her employment or his/her employment is otherwise terminated, until such time as another licensed administrator is designated and begins serving as the Administrator-of-Record of two-or-more facilities.

(c) An individual serving as an Assistant Administrator shall be employed by the facility full-time in that capacity, regularly-scheduled for 40 hours per calendar week; shall not concurrently serve as the Assistant Administrator of more than one (1) long-term care/nursing facility; and shall spend at least eighty (80%) percent of their/his working time on-site at the facility, equitably distributing their/his on-site time throughout each calendar week, with emphasis placed on weekdays, Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m. .

SUBCHAPTER 3. APPLICATION FOR CERTIFICATION AND REQUIREMENTS FOR CONTINUED ELIGIBILITY

490:15-3-2. Approval process

(a) Upon verification of compliance with all requirements, the Board shall 'certify' an individual as having met, as of the date of the letter, the minimum requirements to be eligible to serve as an Assistant Administrator within a single nursing facility, one which is administered by a licensed nursing home administrator who is serving as the administrator-of-record for that facility and for one-or-more additional licensed facilities within a 50-mile radius of each other and wherein the total number of occupied beds at all such facilities administered by this Administrator-of-Record does not exceed 120.

(b) The applicant shall be presented to the Board for consideration at the next Board meeting. Applicants are encouraged to attend the Board meeting.

(c) Applicants shall be notified of the Board's decision by letter in which the Board will either 'certify' the individual as having met the minimum qualifications or will indicate the individual did not meet the minimum qualifications for the Board to issue its 'certification'. The Board will maintain a listing of individuals it has 'certified' as having met the minimum qualifications. Such listing shall include the individual's name, mailing address and the date the Board issued the letter of 'certification'.

(d) As of the date the Board 'certifies' that an individual applicant meets the minimum requirements for that individual to serve in the capacity of an Assistant Administrator, the individual may serve in such an unlicensed capacity. However, it shall be the obligation of the Administrator-of-Record to subsequently verify that the individual serving as an Assistant Administrator continues to meet the minimum qualifications for continued certification (i.e. criminal background check and current employment in the industry as a supervisor). The administrator of record shall also require completion of CEUs in accordance with provisions in OAC 490:1-9-4, as a condition of employment, and a mechanism to ensure the assistant is current and professionally trained.

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490:15-3-3. Requirements for certified assistant administrators

(a) As of the effective date of these rules, an individual certified as an assistant administrator is required to continue to meet the minimum requirements to maintain their certification. They shall be required to renew their certification annually during the Board's annual renewal period, starting in 2012, following Board established renewal processes and paying the prescribed renewal fees. Failure to renew shall be treated in the same manner as lapsed licenses are treated by the Board and the certification vacated following this same process.

(b) Certified Assistant Administrators who are not working as certified assistant administrators are responsible for accomplishing the minimum annual CEU employment requirements to remain qualified and are responsible to renew their own certification with the Board.

[OAR Docket #12-717; filed 5-24-12]

TITLE 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES

[OAR Docket #12-744]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Affirmative Action and Equal Employment Opportunity
Part 2. Discrimination Complaints Investigations
530:10-3-22 [AMENDED]
Subchapter 7. Salary and Payroll
Part 1. Salary and Rate of Pay
530:10-7-19 [REVOKED]
Subchapter 9. Recruitment and Selection
Part 3. Written and Performance Tests
530:10-9-37 [AMENDED]
530:10-9-38 [AMENDED]
Part 5. Registers
530:10-9-52 [AMENDED]
Part 9. Classified Appointments
530:10-9-100 [AMENDED]
Part 11. Direct Hire Authority
530:10-9-111 [AMENDED]
Part 13. Veterans Preference
530:10-9-131 [AMENDED]
Subchapter 15. Time and Leave
Part 5. Miscellaneous Types of Leave
530:10-15-58 [NEW]
Subchapter 17. Performance Evaluation and Career Enhancement Programs
Part 7. Carl Albert Public Internship Program
530:10-17-77 [AMENDED]
Appendix A. Pay Band Schedule [REVOKED]
Appendix A. Pay Band Schedule [NEW]

AUTHORITY:

The Administrator of the Office of Personnel Management of the Office of State Finance: 74 O.S., §§ 840-1.6A, 840-2.16, 840-2.20, 840-3.2, 840-4.12, 840-4.13, 840-4.14.

COMMENT PERIOD:

February 15, 2012 to March 21, 2012.

PUBLIC HEARING:

March 22, 2012

ADOPTION:

March 23, 2012

SUBMITTED TO GOVERNOR:

March 28, 2012

SUBMITTED TO HOUSE:

March 28, 2012

SUBMITTED TO SENATE:

March 28, 2012

GUBERNATORIAL APPROVAL:

May 4, 2012

LEGISLATIVE APPROVAL:

Failure of the Legislature to disapprove the rules resulted in approval on May 23, 2012.

FINAL ADOPTION:

May 23, 2012

EFFECTIVE:

July 1, 2012

SUPERSEDED EMERGENCY ACTIONS:

Superseded Rules:

Subchapter 15. Time and Leave
Part 5. Miscellaneous Types of Leave
530:10-15-58 [NEW]
Appendix A. Pay Band Schedule [REVOKED]
Appendix A. Pay Band Schedule [NEW]

Gubernatorial Approval:

August 26, 2011

Register publication:

29 Ok Reg 63

Docket number:

11-1038

INCORPORATIONS BY REFERENCE:

None.

ANALYSIS:

The proposed amendments to 530:10-3-22 are necessary to improve the efficiency of the training requirements of discrimination complaints investigators. The revocation of amendments 530:10-7-19 is necessary because the OK Health Incentive Pay has been abolished. The proposed amendments to 530:10-9-37 and 530:10-9-38 are necessary to establish set guidelines for repeating and reviewing examinations for exams administered pursuant to the state job application process for the classified service. The proposed amendments to 530:10-9-52 are necessary to update the language as a result of technological advancements of the State Online Application Process. The proposed amendments to 530:10-9-100 are necessary to update the Optional Program for Hiring Applicants with Disabilities reapplication process as a result of technological advancements and to improve the efficiency of the reapplication process. The proposed amendment to 530:10-9-111 is necessary to correct grammatical errors. The proposed amendments to 530:10-9-131 are necessary to make grammatical corrections. The proposed rule, 530:10-15-58, is necessary to incorporate the new leave provision for state employees who are reserve municipal police officers and deputy sheriffs and perform such duties in cases of emergency into the Merit Rules, pursuant to SB 666's (2011 Oklahoma Legislative Session) statutory amendments to Title 74 O.S. §840-2.20. The proposed amendments to the Appendix A. Pay Band Schedule are necessary so that the schedule is in compliance with the provisions of Title 74 O.S. §840-2.16, which requires the State Employee Minimum Wage Rate to be that of a three-person household as established by the Federal Poverty Guidelines, issued by the United States Department of Health and Human Services. The United States Department of Health and Human Services recently revised the Federal Poverty Guidelines and provide for a 3% adjustment as proposed in Annual Compensation Report issued by the Office of Personnel Management division of the Office of State Finance. The proposed amendments to the Pay Band Schedule reflect the revisions of the guidelines. The proposed amendments to 530:10-15-58 have gone through the emergency rule process and are now being proposed to make the amendments permanent. The proposed amendments to 530:10-17-77 are necessary to improve efficiency of the Carl Albert Internship appointment process.

CONTACT PERSON:

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**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING RULES ARE CONSIDERED
FINALLY ADOPTED AS SET FORTH IN 75 O.S.,**