

## **ADOPTIONS SECTION**

### **HEALTH SYSTEMS BRANCH**

### **DIVISION OF CERTIFICATE OF NEED AND LICENSING**

### **CERTIFICATE OF NEED AND HEALTH CARE FACILITY LICENSURE PROGRAM**

#### **Notice of Readoption**

#### **Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrator's Licensing Board**

#### **Readoption: N.J.A.C. 8:34**

Authority: N.J.S.A. 26:2H-1 et seq., particularly 26:2H-27 and 28, and 30:11-11 et seq., particularly 30:11-13 and 21.

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health (in consultation with the Nursing Home Administrator's Licensing Board).

Effective Date: October 2, 2024.

New Expiration Date: October 2, 2031.

**Take notice** that, pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:34, Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrator's Licensing Board, were scheduled to expire on December 26, 2024. N.J.A.C. 8:34 governs the licensure of nursing home administrators and the responsibilities and obligations of the Nursing Home Administrator's Licensing Board (Board).

Subchapter 1, General Provisions, addresses the scope and purpose of the chapter, the scope of individual practice, the scope of administrator responsibility, definitions, severability of invalid provisions, and a waiver process. Subchapter 2,

Nursing Home Administrator's Licensing Board, describes the general powers of the Board and the standards governing the confidential nature of certain information to which Board members have access.

Subchapter 3, License Requirements, establishes the requirements for licensure and the process for obtaining a license as a nursing home administrator through application and examination. Subchapter 4, Administrative Experience Requirement, describes the requirements for the administrative intern experience and training program, the preceptor for an administrative intern, the equivalent to the internship requirement, and the written plans and reports to complete for participation in the administrative intern program. Subchapter 5, Examination, describes the examination requirements, schedule, fee, subject matter tested, grading of examinations, retention of examination results, re-examination, and the appeal procedure for an individual whom the Board has disqualified from taking an examination. Subchapter 6, Licensure, establishes standards to apply for and obtain a license, renew a license, use the title "Licensed Nursing Home Administrator," display a license, obtain a duplicate license, notify the Board of changes to a licensee's name, address, or place of employment, and obtain licensure by equivalency. Subchapter 7, Continuing Education, establishes standards for continuing education, the scope of continuing education programs, the approval process for programs, recordkeeping requirements for continuing education credits, extending a waiver of the requirement, and waiving of the requirement.

Subchapter 8, Administrative Practice Violations, Sanctions, and Due Process, provides for Board review of nursing home administrators' compliance with the chapter,

specifies violations and penalties, and sets forth the due process rights of licensed nursing home administrators. Subchapter 9, Fees, lists the fees that the Board charges.

The Department is working with internal and external stakeholders to develop rulemaking to update and revise the chapter to reflect new statutory requirements and updated best practices. The Department anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course; however, this rulemaking would not be concluded before the expiration of N.J.A.C. 8:34. The Commissioner has reviewed existing N.J.A.C. 8:34 and determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:34 is readopted and shall continue in effect for seven years.