

OAC 310:679

Long-Term Care Administrators

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CHAPTER 679. LONG-TERM CARE ADMINISTRATORS

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24]

SUBCHAPTER 1. GENERAL PROVISIONS

310:679-1-1. Purpose

This Chapter has been adopted for the purpose of implementing the provisions of the "Long-Term Care Administrator Licensing Act" 63 O.S. § 1-1949.1. The Commissioner of Health, 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.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-1-1 by HB 2824 (2023), eff 11-1-23]

310:679-1-2. 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 participating in a Department-approved internship within the facility type for which the intern is seeking licensure or certification under the supervision of a Department-approved preceptor. These individuals may also be referred to as an intern or trainee.

"Administrator" means any individual licensed or certified to operate as a long-term care facility administrator by the Department.

"Administrator of Record" or **"AOR"** means the administrator licensed by this Department who has the authority and responsibility for the total operation of the facility, subject only to the policies adopted by the governing authority.

"Adult Day Care (ADC) Center" means such term as 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); administrative fines and any other negative action or finding by the Department.

"Assisted Living Center" means the same term as 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).

"Certification" means the written authorization from the Department granting a person the ability to serve as a long-term care administrator, for a specific period of time, which requires the person to adhere to the rules, regulations and statutes which govern the certificate.

"Certified Assistant Administrator (CAA)" or **"Assistant Administrator"** means an individual who has been certified by the Department as having met the minimum qualifications established by the Department to be able to serve as a full-time, Certified Assistant Administrator in a licensed long-term care nursing facility, and who acts under the direction, supervision and license of a licensed long-term care administrator.

"Complaint" means an allegation against an individual subject to applicable statutes and/or rules.

"Continuum of Care Facility" means the same term as 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 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)

"Department" means the Oklahoma State Department of Health (OSDH)

"Endorsement" means the applicant has met all requirements for reciprocity.

"Good Standing" means a current license/certification/registration is not expired, suspended, revoked, surrendered, conditioned or otherwise restricted.

"Health Services Executive" or "HSE" means a broad-based NAB qualification that allows administrators to practice along the senior living and health services continuum and increases the portability of licensure.

"Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)" means a facility with the primary purpose of providing health and rehabilitative services for individuals with intellectual disabilities and otherwise meets the Conditions Of Participation (COPs) found at 42 CFR §483.400 *et seq.*

"Intermediate Care Facility for Individuals with Intellectual Disabilities, 16 Beds and Less (ICF/IID-16)" means a facility with sixteen (16) or fewer licensed resident beds that serves individuals with intellectual disabilities and that otherwise meets the Conditions Of Participation (COPs) found at 42 CFR §483.400 *et seq.*

"License" means the written authorization of the Department granting a person the ability to serve as a long-term care administrator for a specific period of time, which requires the person to adhere to the rules, regulations and statutes which govern the license.

"Long-Term Care" means care given at facilities where a licensed long-term care administrator is required such as a nursing facility, assisted living facility, residential care facility, an adult day care center, or intermediate care facility.

"Long-term care administrator" means a person licensed or certified as a Tier 1 long-term care administrator or Tier 2 long-term care administrator under ... the Long-Term Care Administrator Licensing Act. A long-term care administrator must devote at least one-half (1/2) of such person's working time to on-the-job supervision of a long-term care facility; provided that this requirement shall not apply to an administrator of an intermediate care facility for individuals with intellectual disabilities with sixteen or fewer beds (ICF/IID-16), in which case the person licensed by the state may be in charge of more than one ICF/IID-16, if such facilities are located within a circle that has a radius not more than fifteen (15) miles, and the total number of facilities and beds does not exceed six facilities and sixty-four beds. The facilities may be free-standing in a community or may be on campus with a parent institution. The ICF/IID-16 may be independently owned and operated or may be part of a larger institutional ownership and operation. [Title 63 O.S. § 1-1949.2]

"National Association of Long-Term Care Administrator Boards" ("NAB") means an organization composed of state boards and agencies responsible for licensing long-term care administrators.

"NAB Domains of Practice" means the content areas of tasks, knowledge, and skills necessary for administration of a long-term care facility. The NAB Domains of Practice can be found on the National Association of Long-Term Care Administrator Boards (NAB) website at www.nabweb.org.

"Nursing Home and Nursing Facility" means both a "Nursing Facility" and "Specialized Facility" also referred to as "rest home" or "specialized home" as such terms are defined in the Nursing Home Care Act, Title 63 O.S. Section 1-1901 *et seq.* and/or as defined at 42 CFR §483.1 *et seq.*

"Preceptor" means an individual qualified by training and experience, who is currently licensed as a long-term care administrator in Oklahoma, is authorized by the Department as a qualified preceptor and

is charged with coordinating the training of an individual authorized to operate as an administrator in training.

"Probation" is a condition(s) imposed for a specified period of time at the initial issuance of a license or contained in an order resulting from a complaint against the administrator.

"Provisional license" means the temporary authority to serve as a long-term care administrator as granted by the Department to an individual who meets the requirements for provisional licensure.

"Reciprocity" means the licensure process through which candidates licensed in other states may be granted a license in Oklahoma once they have demonstrated the requirements for licensure for the state in which they are currently licensed, have substantially equivalent requirements to those in this state and meet any residency requirements.

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

"Revocation or Revoked License" means an enforcement imposed upon a license or certificate by the Department that results in termination of license or certificate and all privileges attendant thereto and requires holder to surrender the license or certificate to the Department.

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

"Suspension or Suspended License" means an enforcement imposed upon a license or certificate holder by the Department for a designated period of time where the individual is not authorized to work in the capacity of an administrator until all the requirements for reinstatement of the licensure are met.

"Tier 1 long-term care administrator" means a person licensed by this state to perform the duties of an administrator serving in a skilled nursing or nursing facility or an intermediate care facility for individuals with intellectual disabilities with seventeen or greater beds (ICF/IID). [63 O.S. § 1-1949.2] Licensed Tier 1 long-term care administrators may serve as administrator over all long-term care facility types.

"Tier 2 adult day care (ADC) administrator" means a tier 2 long-term care administrator licensed by the Department to serve in an Adult Day Care Center.

"Tier 2 ICF/IID-16 administrator" means a tier 2 long-term care administrator licensed by the Department to serve in an intermediate care facility for individuals with intellectual disabilities with sixteen or fewer bed (ICF/IID-16).

"Tier 2 long-term care administrator" means a person licensed or certified by this state to perform the duties of an administrator serving in an assisted living facility, residential care facility, adult day care center, or intermediate care facility for individuals with intellectual disabilities with sixteen or fewer beds (ICF/IID-16.; [63 O.S. § 1-1949.2]

"Tier 2 residential care/assisted Living (RC/AL) administrator" means a tier 2 long-term care administrator licensed by the Department to serve in a residential care facility or an assisted living facility.

"Upper-level management" means an individual who has had supervisory experience over multiple staff and who has been actively involved with strategic decision-making and planning.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-1-2 by HB 2824 (2023), eff 11-1-23]

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

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24]

310:679-3-1. Organization [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-3-1 by HB 2824 (2023), eff 11-1-23]

310:679-3-2. Officers and committees [REVOKED]

[Source: Transferred from 490:1-3-2 by HB 2824 (2023), eff 11-1-23; Revoked at 41 Ok Reg, Number 22, effective 8-11-24]

310:679-3-3. Meeting of the Board [REVOKED]

[Source: Transferred from 490:1-3-3 by HB 2824 (2023), eff 11-1-23; Revoked at 41 Ok Reg, Number 22, effective 8-11-24]

310:679-3-8. Executive Director [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-3-8 by HB 2824 (2023), eff 11-1-23]

SUBCHAPTER 5. INVESTIGATIVE PROCEDURES

310:679-5-2. Filing a Complaint

Any person or agency may file a complaint against a long-term care administrator by contacting the Oklahoma State Department of Health.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-5-2 by HB 2824 (2023), eff 11-1-23]

310:679-5-2.1. Action on referrals and reports [REVOKED]

[Source: Transferred from 490:1-5-2.1 by HB 2824 (2023), eff 11-1-23; Revoked at 41 Ok Reg, Number 22, effective 8-11-24]

310:679-5-3. Complaints

(a) Upon receipt of a complaint against a long-term care administrator, the Department shall initiate an investigation within ninety (90) days. All information and records collected by the Department as part of a complaint investigation shall be kept in a confidential investigation file.

(b) Upon completion of a complaint investigation, if the Department finds that sufficient evidence exists to initiate an individual proceeding against a long-term care administrator, a notice of the violation will be served upon the long-term care administrator in compliance with Chapter 2 of this Title and the Administrative Procedures Act. The notice of violation shall include the nature of the violation(s) found, the provisions of state law or rule alleged to have been violated, the Department's assessed administrator penalty resulting from the alleged violation, and the administrator's right to seek an informal dispute resolution or hearing.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-5-3 by HB 2824 (2023), eff 11-1-23]

310:679-5-6. Notice [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-5-6 by HB 2824 (2023), eff 11-1-23]

310:679-5-6.1. Hearings

(a) An administrator may submit a request for hearing with the Department within thirty (30) days of receipt of the Notice of Violation.

(b) If a hearing is requested, the Department shall promptly schedule a hearing and serve the administrator with a Notice of Hearing in compliance with 75 O.S. §309(B).

(c) The hearing shall be conducted in accordance with the Administrative Procedures Act and Chapter 2 of this Title.

(d) The Commissioner of Health or designee shall issue a decision within fifteen (15) working days following the close of the hearing record. The decision shall include Findings of Fact and Conclusions of Law separately stated. The final order resulting from a hearing shall comply with the requirements of the 75 O.S. §312 and be served upon each party.

(e) An appeal of the Final Order shall be perfected pursuant to 75 O.S. Section 318 of the Administrative Procedures Act.

[Source: Added at 41 Ok Reg, Number 22, effective 8-11-24]

310:679-5-7. Informal dispute resolution

(a) An Administrator may request, in writing, an informal dispute resolution within thirty (30) days from the date of notice from the Department.

(b) *The impartial decision-making panel shall be a group of six (6) individuals who meet the following criteria:*

(1) Three members shall be impartial volunteers who have experience in the operation of the same type of long-term facility as the administrator who is the subject of the complaint. Such volunteers may include, but not be limited to, an administrator, assistant administrator, owner, operator, director of nursing, or compliance executive of an appropriate long-term care facility, but shall not include any person with a direct financial interest in any facility that employs or contracts with the administrator who is the subject of the complaint; and

(2) Three members shall be persons representing the aging or disabled community, as appropriate for the type of long-term facility whose administrator is the subject of the complaint.

(c) *Each party shall submit to the impartial decision-making panel all documentary evidence that the party believes has a bearing on or relevance to the violation or violations alleged by the Department in the complaint.*

(d) *The Department shall present initial arguments. The administrator shall then present his or her arguments. The informal dispute resolution shall be limited to no more than two (2) hours in length, with each party being permitted one (1) hour to present its arguments; however, the impartial decision-making panel may grant each party additional equal time for good cause as determined by the impartial decision-making panel.*

(e) *Rules of evidence or procedure shall not apply to the informal dispute resolution except as provided in this section. The impartial decision-making panel may:*

(1) Accept any information that the impartial decision-making panel deems material to the issue being presented; and

(2) Reject any information that the impartial decision-making panel deems material to the issue being presented.

(f) *The informal dispute resolution may not be recorded; however, the impartial decision-making panel may make written or recorded notes of the arguments.*

(g) *Only employees of or health care providers contracted by the facility where the administrator who is the subject of the complaint is employed may appear or participate in the informal dispute resolution on behalf of the administrator, except that the administrator may call one character witness to appear and testify on his or her behalf.*

(h) *Only employees of the Department may appear or participate at the meeting for, or on behalf of, the Department for the purpose of presenting arguments. In addition to such employees, one or more employees of the Department may provide technical assistance to the impartial decision-making panel at the panel's request. Any employee of the Department who participates in the informal dispute resolution process as described in this paragraph shall have no current involvement in long-term care facility surveys including but not limited to the informal dispute process described in Section 1-1914.3 et seq. of Title 63 of the Oklahoma Statutes or the alternative informal dispute resolution process described in Section 1-1914.11 et seq. of Title 63 of the Oklahoma Statutes for long-term care facilities. This paragraph shall have no resolution process.*

(i) *The State Long-Term Care Ombudsman or designee may appear or participate in the informal dispute resolution.*

(j) *No party may be represented by an attorney in the informal dispute resolution.*

(k) *The informal dispute resolution process is limited to violations alleged by the Department in the complaint. If the impartial decision-making panel finds that matters not subject to the informal dispute resolution are presented, the impartial decision-making panel shall strike all documentary evidence related to or presented for the purpose of disputing the matter not subject to the informal dispute resolution. The impartial decision-making panel may not include in the statement of findings described in subsection 1 of this section any matter not subject to the informal dispute resolution.*

(l) *Upon the conclusion of all the arguments by the parties at the informal dispute resolution, the impartial decision-making panel shall issue a written statement of findings, which shall be provided to all parties and which shall include:*

- (1) *A summary of any alleged violations;*
- (2) *A statement of whether the impartial decision-making panel agrees that the alleged violation or violations occurred;*
- (3) *The facts and persuasive arguments that support the finding of the impartial decision-making panel for each alleged violation; and*
- (4) *A recommendation on appropriate disciplinary action against the administrator, if any.*
- (m) *If the impartial decision-making panel cannot reach a majority decision on the findings of the informal dispute resolution as described in subsection l of this section, the State Commissioner of Health may intervene for the purpose of breaking a tie.*
- (n) *The Department shall review the findings of the impartial decision-making panel and shall take such findings into consideration when determining whether to pursue further disciplinary action against the administrator.* [Title 63 O.S. §1-1949.7]

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-5-7 by HB 2824 (2023), eff 11-1-23]

310:679-5-7.1. Administrative fines

- (a) The Department may impose administrative fines, in an amount to be determined by the Department, against persons whom the Department has determined have not complied with the provisions of the Oklahoma statutes and OAC 310:679.
- (b) Administrative fines shall not exceed One Thousand Dollars (\$1,000.00) per violation.
- (c) In assessing a fine, the Commissioner 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 Commissioner.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-5-7.1 by HB 2824 (2023), eff 11-1-23]

310:679-5-8. Reporting

- (a) The Department shall report final adverse actions to the National Practitioner Data Bank (NPDB), in accordance with requirements at Title 45, Code of Federal Regulations, Part 60.
- (b) Disciplinary action taken against a license/certificate holder and reported to the NPDB shall be reported on the state registry as provided in 63 O.S. §330.64.
- (c) The Department may report disciplinary action taken against a license or certificate holder to other jurisdictions where the Department has knowledge that a license or certificate holder possesses a license or certificate.
- (d) The Department may make referrals to other regulatory authorities as necessary.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-5-8 by HB 2824 (2023), eff 11-1-23]

SUBCHAPTER 7. FEES AND DEPOSITS

310:679-7-1. Fees and deposits [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-7-1 by HB 2824 (2023), eff 11-1-23]

310:679-7-2. Schedule of fees

- (a) Initial and Provisional Long-Term Care Administrator License - \$200.00
 - (1) This licensure fee applies to all original licensures, registrations/registration renewals and certifications.
 - (2) The initial license will expire on December 31st of the year it was effective.
- (b) Renewal fees
 - (1) Tier 1 Long-Term Care License - \$200.00 per year;
 - (2) Certified Assistant - \$75.00 per year;
 - (3) Tier 2 RC/AL License - \$175.00 per year;

- (4) Tier 2 ADC License - \$100.00 per year;
- (5) Tier 2 ICF/IID-16 License - \$100.00 per year
- (c) Late Fee - \$100.00 for each calendar week, or portion thereof.
- (d) Pre-Licensing File Origination and Maintenance fee - \$100.00
- (e) State Standards Review (per person) - \$100.00
- (f) State Standards Examination Packet - \$50.00
- (g) State Standards Examination administered by the Department - \$100.00 per examinee
- (h) State Standards Examination, unscheduled examination - \$500.00 per examinee
- (i) Department-Sponsored Educational Workshop (per day) - up to \$1,000 per attendee.
- (j) Administrator in Training (AIT) Program: Internship Permit (per applicant) - \$350.00
- (k) Continuing Education Program Application Fee (per credit hour) - \$55.00
- (l) Returned Check Fee or Fee related to Non-Sufficient Funds (NSF) to cover an Electronic Funds Transfer (EFT) - \$30.00
- (m) Fee for Administrator Training - Not to exceed \$200.00 per day
- (n) A convenience fee may be charged by the online processing vendor in an amount determined by the processor.
- (o) Conduct a background check to identify barrier offenses \$50.25
- (p) License Application processing fee - \$100.00 (valid for one year).

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-7-2 by HB 2824 (2023), eff 11-1-23]

SUBCHAPTER 9. CONTINUING EDUCATION

310:679-9-1. General provisions for continuing education programs

- (a) Continuing education programs requests for credit recognition must be submitted to the Department for approval prior to presentation.
- (b) The continuing education program is responsible for providing proof of participation and credit amount awarded to each participant. At a minimum, proof of participation must include:
 - (1) Name of attendee;
 - (2) Number of clock hour credits;
 - (3) Subject matter of training; and
 - (4) Facility type addressed by the training if facility-specific
- (c) Administrators shall be responsible for submitting proof of continuing education that meets CE requirements upon renewal.
- (d) 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 count towards CE requirements with proper documentation.
- (e) Attendees may be awarded partial credit, at the discretion of the sponsor, for partial participation, late arrival, or early departure from the program.
- (f) The Department may deny or revoke program approval if the program sponsor fails to issue hours appropriately.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-9-1 by HB 2824 (2023), eff 11-1-23]

310:679-9-2. Criteria for continuing education programs

- (a) A correctly completed application must be submitted to the Department at least thirty (30) days in advance of the program;
- (b) The application shall contain documentation demonstrating the following requirements:
 - (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 program location must be adequately equipped and have enough space to accommodate attendees.
- (5) Instructors must have long-term care supervision or administration experience, have instructional expertise and/or have suitable academic qualifications in a relevant academic field.
- (6) The program objectives must:
 - (A) have reasonable and clear objectives with defined outcome expectations;
 - (B) be consistent with the program content; and
 - (C) identify the mechanism through which they will be taught
- (7) Clearly stated program methods appropriate to the subject matter with an identified timeframe for teaching concepts.
- (8) Instructional aids and resource materials used in the program.
- (9) Sponsors are qualified in the subject matter presented.
- (10) The registration fee for the program and the location where the fee will be published on promotional material.
- (11) The program evaluation form.
- (12) The method used to capture accurate attendance or on-line completion.
- (13) Information indicating the instructional hours are based on clock hours (60 minutes= 1 clock hour).
- (14) An agenda showing all educational activities.
- (15) No more than seven (7) clock hours included in the program per day. In the event there is a required, onsite, coursework-specific presenter during the lunch hour, eight (8) hours may be included in the program description.
- (16) Licensed administrators who are "presenters" of approved CE programs may receive credit one time annually for the clock hour value of the class(es) they present. If the material is presented multiple times, credit is only awarded once per licensure year for the same educational material.
- (17) Licensed administrators who present in a Department-approved entry level training such as Tier 2 RC/AL, Adult Day Care or ICF/IID-16 initial licensure training, will receive CE credit one time annually for the clock hour value of the material they present.
- (18) Providers of continuing education courses must provide the template for the documentation that will be provided to attendees to include, at a minimum, the following requirements:
 - (A) The name of the attendee;
 - (B) the number of clock hour credits awarded for the training;
 - (C) the subject matter of the training; and
 - (D) if applicable, the type of facility the training addressed.
- (19) The Department may revoke approval of a continuing education course if it is determined the course no longer meets continuing education requirements.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-9-2 by HB 2824 (2023), eff 11-1-23]

310:679-9-3. Disapproval of continuing education programs

- (a) Upon disapproval, the sponsor:
 - (1) will be notified of missing requirements; and
 - (2) may submit additional information and/or documentation to address missing requirements.
- (b) Approved programs will be notified of approval by the Department.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-9-3 by HB 2824 (2023), eff 11-1-23]

310:679-9-4. Continuing education requirements

- (a) Each licensee shall be responsible for identifying and seeking continuing professional education requirements.
- (b) Licensees shall complete Continuing Education Units (CEUs) as follows:
 - (1) Tier one (1) licensees and certified CAAs shall complete twenty-four (24) clock hours of CEUs each license year.

(2) Tier 2 RC/AL administrators shall successfully complete sixteen (16) clock hours of continuing education during each license year.

(3) Licensed Tier 2 Adult Day Care Administrators shall successfully complete sixteen (16) clock hours of continuing education during each license year.

(4) Licensed Tier 2 ICF/IID-16 administrators shall successfully complete sixteen (16) clock hours of continuing education during each license year.

(c) License and certificate holders are responsible for maintaining their own CEU records.

(d) Required CEUs must be completed within the licensure period.

(e) Credit will only be given once per approved program for each licensure period; duplication of credit for the same course is not permissible in the same licensure year.

(f) A written request for an extension may be submitted to the Department when a license or certificate holder cannot meet the requirements for continuing education due to illness, emergency, or other hardship. Extension requests will be reviewed by the Department and determinations made on a case-by-case basis.

(g) CEU documentation must be uploaded in the online renewal portal at the time of renewal for review by the Department. Renewal applicants must complete CEUs prior to the Department issuing a renewal to the renewal applicant. .

(h) All licensees, even those subject to enforcement action, are required to complete continuing education.

(i) Continuing education requirement hours will be required for first year license and certificate holders are:

(1) Tier 1 administrators and certified CAAs shall be required to complete six (6) hours of continuing education for each quarter in which they hold a license.

(2) Licensed Tier 2 administrators shall be required to complete four and a half (4 1/2) hours of continuing education for each quarter in which they hold a license.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-9-4 by HB 2824 (2023), eff 11-1-23]

310:679-9-5. Auditing of continuing education hours

The Department may request continuing education information from sponsors of approved programs for audit purposes.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:1-9-5 by HB 2824 (2023), eff 11-1-23]

SUBCHAPTER 10. LICENSING OF LONG-TERM CARE ADMINISTRATORS

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24]

PART 1. LICENSING OF LONG-TERM CARE ADMINISTRATORS

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24]

310:679-10-1. Purpose [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-1 by HB 2824 (2023), eff 11-1-23]

310:679-10-2. Definitions [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-2 by HB 2824 (2023), eff 11-1-23]

310:679-10-2.1. General requirements for licensure

(a) Applicants must be at least twenty-one (21) years of age at the time the license is issued.

(b) Applicants must be a United States citizen, or a qualified alien under the Federal Immigration and Naturalization Act and lawfully residing in the United States. An affidavit of lawful presence must be submitted with the application.

(c) Each administrator applicant must establish that the applicant is of reputable and responsible character and otherwise suitable and qualified to serve because of training or experience in institutional administration. Each provisional applicant must be of good character, otherwise suitable, and meet any other standards established.

(d) A background check will be conducted on each applicant. The Department will not issue or renew a license to any applicant if the results of a criminal background check reveal the applicant has been convicted of or pleaded guilty or *nolo contendere* or no contest, or received a deferred sentence for any felony or misdemeanor offense for any of the following offenses in any state or federal jurisdiction:

- (1) abuse, neglect or financial exploitation of any person entrusted to the care or possession of such person,
- (2) rape, incest or sodomy,
- (3) child abuse,
- (4) murder or attempted murder,
- (5) manslaughter,
- (6) kidnapping,
- (7) aggravated assault and battery,
- (8) assault and battery with a dangerous weapon, or
- (9) arson in the first degree.

(e) The Department will not issue or renew a license for any applicant if less than seven (7) years have passed since the completion of sentence, and the criminal history check reveals the applicant has been convicted of, or pled guilty or *nolo contendere* or no contest to, a felony or misdemeanor offense for any of the following offenses in any state or federal jurisdiction:

- (1) assault,
- (2) battery,
- (3) indecent exposure and indecent exhibition, except where such offense disqualifies the person as a registered sex offender,
- (4) pandering,
- (5) burglary in the first or second degree,
- (6) robbery in the first or second degree,
- (7) robbery or attempted robbery with a dangerous weapon, or imitation firearm,
- (8) arson in the second degree,
- (9) unlawful manufacture, distribution, prescription, or dispensing of a Schedule I through V drug as defined by the Uniform Controlled Dangerous Substance Act,
- (10) grand larceny, or
- (11) petit larceny or shoplifting.

(f) To be eligible for a license, applicants must be able to effectively communicate with all individuals and entities related to all required administrator functions.

(g) Each applicant must meet all other requirements prescribed by the Department.

(h) Each applicant must disclose, for the Department to consider when making a determination on the issuance of a license, all other jurisdictions in which:

- (1) A license has been applied for;
- (2) A license has been issued; and
- (3) Any disciplinary or enforcement action taken by another licensing authority.

(i) The required fee and a correctly completed application form demonstrating all requirements are met must be submitted to the Department by the applicant before a license may be issued.

(j) The Department will notify the applicant when an application is missing any requirements. An applicant may submit additional documentation demonstrating compliance with licensure requirements for the Department to review. If an applicant is not eligible for a license, the Department will issue a denial letter specifying the reasons for the denial. Licensing denials will be reported to NPDB.

(k) In accordance with 59 O.S. 4100.4(A) The Department will review education, training, and experience completed by the individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, or the Naval Militias of any state, and apply it in the manner most favorable toward satisfying the qualifications of issuance of the requested license or certification or approval for license examination in this state.

(l) In accordance with 59 O.S. 4150.1, the Department will honor the requirements in the Universal Licensing Act.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-2.1 by HB 2824 (2023), eff 11-1-23]

310:679-10-3. Tier 1 administrator requirements

- (a) Applicants must meet all general requirements for licensure.
- (b) Each applicant must provide documentation demonstrating the successful completion of one of the following:
 - (1) Baccalaureate degree from an institution of higher education; or
 - (2) Associate degree in a health- or business-related field or other relevant field and not less than five (5) years of experience in upper-level management of a long-term care facility.
- (c) Unless granted a waiver for one or more of the requirements, applicants must successfully complete the following within twenty-four (24) months of submitting an application for initial licensure:
 - (1) A Department or NAB-approved training;
 - (2) The required internship; and
 - (3) Passing score on the following required examinations:
 - (A) The Oklahoma State Standards examination;
 - (B) The NAB Core examination; and
 - (C) The NAB NHA Line of Service examination;
- (d) An applicant's training instructor must attest to the readiness of an applicant prior to the student being eligible to take the examination. Instructors must provide the Department with all signed student attestation forms.
- (e) A waiver for the required training may be granted by the Department if:
 - (1) the applicant has a degree in long-term care administration from a NAB-accredited institution; or
 - (2) the applicant was previously licensed in Oklahoma as a Tier 1 administrator, was in good standing with the Department while previously licensed in Oklahoma, and has been active in long-term care for at least two (2) of the last five (5) years; or
 - (3) the applicant provides evidence of the completion of a training that meets or exceeds NAB recommendations for training from another jurisdiction.
- (f) A waiver for the required internship may be granted by the Department if the applicant presents documentation of an internship that meets or exceeds NAB recommendations for internship requirements.
- (g) An applicant with a verified HSE qualification may be issued a license upon submission of correctly completed application with the required application fee once the applicant has passed the State Standards examination and has had a favorable background check completed.
- ;
- (h) The Department may waive the administrator training requirement, the internship requirement, or both if the applicant was previously licensed in Oklahoma as a long-term care administrator, was in good standing with the Department 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.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-3 by HB 2824 (2023), eff 11-1-23]

310:679-10-3.1. Tier 2 (RC/AL) administrator requirements

- (a) Applicants must meet all general requirements for licensure. Administrators holding a Tier 2 RC/AL license may serve as an administrator in either an RCF or ALF.
- (b) Each applicant for initial licensure as a Tier 2 RC/AL administrator shall provide documentation of one of the following:
 - (1) high school diploma;
 - (2) GED; or
 - (3) a higher level of education.
- (c) Unless an applicant qualifies for a waiver as outlined in 310:679-10-3, the applicant must successfully complete and pass:

- (1) Department or NAB-approved training;
- (2) The required internship; and
- (3) Passing scores on the following required examinations:
 - (A) The Oklahoma RCAL State Standards examination;
 - (B) The NAB RCAL Lines of Service examination; and
 - (C) The NAB Core examination.
- (d) An applicant's training instructor must attest to the readiness of an applicant prior to the student being eligible to take the examination. Instructors must provide the Department with all signed student attestation forms.
- (e) A waiver for the required training may be granted by the Department if:
 - (1) the applicant has a degree in long-term care administration from a NAB-accredited institution; or
 - (2) the applicant was previously licensed in Oklahoma as a Tier 2 RCAL administrator, was in good standing with the Department while previously licensed in Oklahoma, and has been active in long-term care for at least two (2) of the last five (5) years; or
 - (3) the applicant provides documentation showing adequate experience in the field of institutional administration that is applicable to long-term care administration.
- (f) A waiver for the required internship may be granted by the Department if the applicant presents documentation of an internship that meets or exceeds NAB recommendations for internship requirements.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-3.1 by HB 2824 (2023), eff 11-1-23]

310:679-10-3.3. Tier 2 ICF/IID-16 administrator requirements

- (a) Applicants must meet all general requirements for licensure. Administrators holding a Tier 2 ICF/IID-16 license may serve as an administrator in an ICF/IID-16 facility. .
- (b) Each applicant for initial licensure as a Tier 2 ICF/IID-16 administrator shall provide documentation of one of the following:
 - (1) high school diploma;
 - (2) GED; or
 - (3) a higher level of education.
- (c) Unless an applicant qualifies for a waiver as outlined in 310:679-10-3 they must successfully complete the following:
 - (1) Department-approved training;
 - (2) The required internship; and
 - (3) Passing scores on the following required examinations:
 - (A) The Oklahoma ICF/IID-16 State Standards examination; and
 - (B) The NAB Core examination;
- (d) An applicant's training instructor must attest to the readiness of an applicant prior to the student being eligible to take the examination. Instructors must provide the Department with all signed student attestation forms.
- (e) A waiver for the required training may be granted by the Department if:
 - (1) the applicant has a degree in long-term care administration from a NAB-accredited institution; or
 - (2) the applicant was previously licensed in Oklahoma as a Tier 2 ICF/IID-16 administrator, was in good standing with the Department while previously licensed in Oklahoma, and has been active in long-term care for at least two (2) of the last five (5) years; or
 - (3) the applicant provides evidence of the completion of a training that meets or exceeds NAB recommendations for training from another jurisdiction.
- (f) A waiver for the required internship may be granted by the Department if the applicant presents documentation of an internship that meets or exceeds NAB recommendations for internship requirements.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-3.3 by HB 2824 (2023), eff 11-1-23]

310:679-10-3.5. Tier 2 Adult day care administrator requirements

- (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. Applicants must meet all general requirements for licensure. Administrators holding a Tier 2 ADC license may serve as an administrator in an ADC facility.
- (b) Each applicant for initial licensure as a Tier 2 ADC administrator shall provide documentation of one of the following:
- (1) high school diploma;
 - (2) GED; or
 - (3) a higher level of education.
- (c) Unless an applicant qualifies for a waiver as outlined in 310:679-10-3, the applicant must successfully complete and pass:
- (1) Department-approved training;
 - (2) The required internship; and
 - (3) Passing scores on the following required examinations:
 - (A) The Oklahoma ADC State Standards examination; and
 - (B) The NAB Core examination;
- (d) An applicant's training instructor must attest to the readiness of an applicant prior to the student being eligible to take the examination. Instructors must provide the Department with all signed student attestation forms.
- (e) A waiver for the required training may be granted by the Department if:
- (1) the applicant has a degree in long-term care administration from a NAB-accredited institution; or
 - (2) the applicant was previously licensed in Oklahoma as a Tier 2 ADC administrator, was in good standing with the Department while previously licensed in Oklahoma, and has been active in long-term care for at least two (2) of the last five (5) years; or
 - (3) the applicant provides documentation showing adequate experience in the field of institutional administration that is applicable to long-term care administration.
- (f) A waiver for the required internship may be granted by the Department if the applicant presents documentation of an internship that meets or exceeds NAB recommendations for internship requirements.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-3.5 by HB 2824 (2023), eff 11-1-23]

310:679-10-4. Endorsement and reciprocity requirements

- (a) Applicants must meet all general requirements for licensure.
- (1) The Department may endorse a candidate for licensure reciprocity from other jurisdictions when the applicant has submitted documentation with evidence meeting the following requirements:
 - (A) Proof of successful completion of a formal program of study;
 - (B) Proof of passing score on applicable NAB examination(s);
 - (C) Copy of current license(s) from other jurisdictions;
 - (D) Proof of full-time service as administrator-of-record for the past two (2) consecutive years or service as licensed administrator for the specific license type the applicant is applying for at least two (2) of the last three (3) years;
 - (E) Disclosure of any pending or past disciplinary actions, enforcements, investigations, reprimand, suspension, and revocation or voluntary surrender of license(s); and
 - (F) Attestation to the truthfulness of information provided;
 - (2) The Department will determine if past actions by regulatory authorities disqualify an applicant from eligibility for Oklahoma licensure in alignment with standards and requirements for Oklahoma licensure.
- (b) The applicant shall indicate on the licensure application if applying under the 59 O.S. 4100.5 et seq military reciprocity pathway. The Department will comply with all military reciprocity requirements.
- (c) Endorsement will be given to the applicant by the Department if the reciprocity process shows the applicant completed substantially equivalent requirements in the state in which they are currently licensed.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-4 by HB 2824 (2023), eff 11-1-23]

310:679-10-4.1. Requirements for registration for licensure reciprocity for long term care administrators [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-4.1 by HB 2824 (2023), eff 11-1-23]

310:679-10-5. Provisional license requirements

(a) The Department may grant one (1) provisional license for a single period not to exceed six (6) months to fill an unexpected vacancy at a facility. Once a provisional license has been granted, the Department may not grant additional provisional licenses for the same facility within a one-year period of issuance.

(b) Provisional license applicants must meet all general licensure requirements outlined in OAC 310:679-10-2.1.

(c) A provisional license may be granted to a person who may not meet all training and testing requirements established by the Department, but who:

- (1) Has successfully completed a formal program(s) of study and holds a bachelor's degree;
- (2) Has documentation that a currently-licensed Oklahoma long-term care administrator, with a minimum of two (2) years experience as a licensed administrator in Oklahoma in the same facility type as the provisional licensee, will act as an on-site consultant to the provisional licensee;
- (3) Has provided documentation showing at least two (2) years experience in a long-term care facility;
- (4) Has received a passing score on the current applicable Oklahoma State Standards examination;
- (5) Has submitted a correctly completed application; and
- (6) Paid the applicable application fee.

(d) A provisional license shall not be issued to a current AIT unless the applicant previously passed the NAB NHA exam.

(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;
- (2) Alert the Department within 3 days if the provisional licensee is unable to fulfill the administrator requirements; and
- (3) Notify the Department if they are no longer able to provide supervision to the provisional licensee.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-5 by HB 2824 (2023), eff 11-1-23]

310:679-10-5.1. Requirements for a provisional license as a residential care administrator [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-5.1 by HB 2824 (2023), eff 11-1-23]

310:679-10-5.2. Requirements for a provisional license as an adult day care administrator [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-5.2 by HB 2824 (2023), eff 11-1-23]

310:679-10-6. Restoration of a suspended license or certificate

A suspended license or certificate may be restored once all conditions for restoration have been met.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-1-11 by HB 2824 (2023), eff 11-1-23]

310:679-10-10. Application timeline

- (a) Applicants will have twenty-four (24) months to complete all licensure requirements.
- (b) Reciprocity applicants will have one year to complete any licensure or certification requirements to qualify for endorsement.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-3-1 by HB 2824 (2023), eff 11-1-23]

310:679-10-11. Documentation requirements

- (a) If submitting documentation for long-term care work history, the applicant must submit a letter, signed by a licensed long-term care administrator, medical director, director of nursing, or registered nurse on company letterhead attesting to the applicant's long-term care work history.
- (b) A signed affidavit of lawful presence must be submitted with each application.
- (c) For bachelor's or associate's degree documentation, an official copy of the transcript is required.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-3-1.1 by HB 2824 (2023), eff 11-1-23]

310:679-10-12. National examinations

- (a) The NAB Core examination consists of questions related to the Domains of Practice and is relevant to all licensed administrators. It is required for all long-term care administrator applicants.
- (b) The Line of Service module examination is required for certain license types and contains questions related to the Domains of Practice specific to a line of service.
- (c) HSE applicants as well as reciprocity applicants who provide evidence of a previous passing score and meet all other reciprocity requirements will be exempt from taking NAB tests prior to the issuance of a license.
- (d) Provisional license applicants will not be required to pass the NAB examination before becoming provisionally licensed, if all other provisional licensure requirements are met.
- (e) Fees for all national examinations are prescribed by and payable to the NAB or its authorized designee.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-3-2 by HB 2824 (2023), eff 11-1-23]

310:679-10-13. Required examinations

- (a) Applicants must pass the applicable State Standards examination prior to a license being issued. Each license type requires a specific State Standards examination. Applicants for licensure by reciprocity, applicants for a provisional license and applicants for initial licensure who have previously held an Oklahoma long-term care administrator license must pass the current, applicable State Standards examination.
- (b) The application must be complete and correct before the applicant may begin training or being granted approval to take the applicable examination(s).
- (c) The Department will publish dates and times for testing on the Department website. Applicants may take the exam at a Department-designated location or through a testing center if the examinations are administered through the same methods and procedures as the NAB examinations.
- (d) A passing score for all State Standards examinations is Seventy-Five percent (75%) or greater.
- (e) Fees for the State Standards examination administered by the Department shall be in an amount prescribed by the Department. All examination fees must be paid prior to examination.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-3-3 by HB 2824 (2023), eff 11-1-23]

310:679-10-14. Confidentiality of examinations

Applicants shall not disclose any information, questions, or answers from licensure examinations.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-3-4 by HB 2824 (2023), eff 11-1-23]

310:679-10-15. Renewal requirements

(a) The renewal applicant shall submit an application with the following information and supporting documentation:

- (1) Updated contact information;
- (2) Current location where operating as an administrator;
- (3) If applicable, a list of interns to whom they have served as a preceptor with dates; and
- (4) An affidavit of lawful presence.

(b) The renewal applicant shall submit the required fee at the time of renewal.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-3-5 by HB 2824 (2023), eff 11-1-23]

310:679-10-16. Provisional licensure term

A provisional license shall expire six (6) months from the effective date of the provisional license. Provisional licenses are non-renewable.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-3-6 by HB 2824 (2023), eff 11-1-23]

PART 5. DISCIPLINE

310:679-10-20. Disciplinary action

(a) The following reasons may disqualify an initial or renewal applicant from licensure or certification and could result in enforcement by the Commissioner of Health:

- (1) Obtaining or attempting to obtain a license, registration or certificate by fraud, deceit, or misrepresentation; or misrepresenting oneself as holding a license or certification when they do not.
- (2) Conviction of or a plea of guilty or *nolo contendere* to any felony or to any misdemeanor involving moral turpitude, or any barrier offense as outlined in this chapter.
- (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 duties or responsibilities in the long-term care facility, or if the same constitute(s) a criminal offense.
- (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 Department, such conduct is detrimental to the best interest of the long-term care field, the long-term care administrator profession and/or the public.
- (8) Except as otherwise permitted in this Chapter, concurrently serving or acting as the administrator of more than one nursing facility or assisted living facility; or exceeding the conditions placed on administrators of ICF/IID facilities 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 Department, including the Administrator Code of Ethics and Administrator Responsibilities adopted by the Department.
- (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 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 or documents relating to the operation of a long-term care facility; falsification of records or documents submitted to the Department 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 Department.
 - (19) Unlicensed practice, practice on a revoked, suspended, or lapsed license; or practice on a provisional license without the use of an on-site consultant or practice 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 Department.
 - (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 Department 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 Department, a Department employee or an authorized agent or representative of the Department as related to any matter or issue over which the Department has authority.
 - (27) Exclusion by the Department of Health and Human Services Office of Inspector General from participation in any capacity in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f) of the Social Security Act.
- (b) If a Long-term Care Administrator violates any requirement in OAC 310:679, the Oklahoma Long-Term Care Administrators Act, or any other rule or law relevant to the duties and responsibilities of the Administrators, the Department may impose one or more of the following sanctions:
- (1) license or certificate revocation;
 - (2) license or certificate suspension;
 - (3) denial of application for license or certificate renewal;
 - (4) assessment of an administrative penalty;
 - (5) written letter of reprimand;
 - (6) participation in continuing education;
 - (7) probation;
 - (8) denial of authorization to perform as a preceptor; or
 - (9) revocation of preceptor authorization.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-5-3 by HB 2824 (2023), eff 11-1-23]

310:679-10-21. Summary suspension

In the course of an investigation, the Department may order a summary suspension of an administrator's license or certification or an Administrator in Training (AIT) permit if, in the course of an investigation, it is determined that a license, certificate holder, or AIT candidate for licensure has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm. The Department shall immediately notify the licensee, certificate holder, or AIT candidate upon issuance of the order. The licensee, certificate holder, or AIT candidate shall have the right to contest the order at a hearing as provided by law.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-5-5 by HB 2824 (2023), eff 11-1-23]

PART 7. ADMINISTRATOR TRAINING REQUIREMENTS

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24]

310:679-10-25. General provisions

- (a) If a waiver is not granted according to specifications in this chapter, applicants are required to complete Department-approved trainings prior to being eligible for a license or certification. NAB-approved trainings may be taken at any time to satisfy the training requirement.
- (b) Internships are required for license types that require internships as outlined in this chapter and who have not been granted a waiver according to 679-10-3.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-7-3 by HB 2824 (2023), eff 11-1-23]

PART 8. ADMINISTRATOR IN TRAINING (AIT) INTERNSHIP PROGRAM FOR LONG-TERM CARE ADMINISTRATORS AND CERTIFIED ASSISTANT ADMINISTRATORS

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24]

310:679-10-29. Application requirements

- (a) An application shall be submitted to the Department, containing the following information and documentation:
 - (1) Name;
 - (2) Contact Information;
 - (3) Educational history as required by license type;
 - (4) Signed letter outlining applicable work history if required by license type; and
 - (5) Affidavit of Lawful Presence.
- (b) A background check will be completed on all applicants.
- (c) A fee as prescribed by the Department shall be submitted with the application.
- (d) An applicant will have twenty-four (24) months to complete the required training and internship. A one-time extension may be granted by petitioning the Department if the applicant submits a formal request outlining the reasons for the delay. The Department has discretion to approve or deny extension requests and will notify the applicant of the decision.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-2 by HB 2824 (2023), eff 11-1-23]

310:679-10-30. Required internship

- (a) Internship permits may be granted to applicants who have been approved by facilities which are:
 - (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) Interns must submit all required documentation to the Department.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-3 by HB 2824 (2023), eff 11-1-23]

310:679-10-31. Identification of preceptor

- (a) Applicants are required to submit information on a proposed preceptor for review by the Department.
- (b) Applicants must submit required documentation for their selected preceptor to include:
 - (1) Name of preceptor;
 - (2) License number of preceptor;
 - (3) Name of the facility where the preceptor is an administrator;
 - (4) Address of facility where the preceptor is an administrator;
 - (5) Phone number of preceptor;
 - (6) Email address of preceptor; and
 - (7) Signature of the preceptor on preceptor attestation form.
- (c) If a change in preceptor becomes necessary after the start of an internship, interns are required to notify the Department. Any new preceptor must be Department-approved.
- (d) Preceptors who discontinue any internship must provide the Department and the intern with the following information within 30 days of the discontinuation of the preceptorship:
 - (1) the number of internship hours the intern has completed; and
 - (2) the Domains of Practice that have been covered during the internship.
- (e) Applicants may access a list of authorized preceptors from the Department website if they do not have a preceptor identified.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-4 by HB 2824 (2023), eff 11-1-23]]

310:679-10-32. Preceptor qualifications

- (a) A licensed administrator interested in being a preceptor for an administrator intern must:
 - (1) Hold a current Oklahoma administrator license;
 - (2) Have been operating as a licensed administrator for the twenty-four (24) months immediately preceding the internship or thirty-six (36) of the last sixty (60) months;
 - (3) Be currently working as an administrator in a licensed Oklahoma facility;
 - (4) Have not had an enforcement action against their license by the Department in the thirty-six (36) months immediately prior to the start of the internship; and
 - (5) Is not currently subject to disciplinary or enforcement action in another state.
- (b) A licensed administrator interested in becoming a preceptor, must fill out all required information on the preceptor section of the renewal application.
- (c) Authorization to serve as a preceptor may be revoked by the Department

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-5 by HB 2824 (2023), eff 11-1-23]]

310:679-10-33. Preceptor requirements

To be designated as a preceptor for an intern, a licensed long-term care administrator must:

- (1) be the full-time administrator-of-record of the facility where the internship will take place, , OR be a licensed administrator and the direct supervisor of the administrators(s)-of-record at the facility(s) where the internship will take place ;
- (2) agree to give the intern an opportunity to observe and take part in the managerial tasks associated with the operation of a facility, acquaint the intern with the organization and operation of all the various departments of the facility by permitting the intern to observe and participate in department activities which align with the intern's Department-approved training program;
- (3) regularly meet with the intern to discuss progress to date, potential refinements to hours spent in each module/domain of practice (in preparation for the NAB NHA exam), and review the interns strengths and weaknesses; and
- (4) complete the Department-required attestation form once the intern has satisfactorily completed all internship hours.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-5.1 by HB 2824 (2023), eff 11-1-23]

310:679-10-34. Individualized internship requirements

- (a) The preceptor, in conjunction with the intern, will assess and evaluate the intern's background, training and experience to determine specific areas of concentration within the domains of practice and departmental rotations.
- (b) The preceptor will keep track of the training for each NAB training module and provide written documentation upon request by the Department.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-6 by HB 2824 (2023), eff 11-1-23]

310:679-10-35. Documentation of internship requirements

- (a) The preceptor will document the intern's progress through each NAB module of training.
- (b) NAB module completion will be documented on the checklist submitted by the preceptor to the Department and that accompanies the final preceptor intern review form.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-7 by HB 2824 (2023), eff 11-1-23]

310:679-10-36. Preceptor CEUs

- (a) Preceptors for nursing home interns may be awarded:
 - (1) 3 CEUs for every 560 hours completed; or
 - (2) 4 CEUs per each 700 hour trainee completed; and
 - (3) Up to 12 CEUs per calendar year (credited for a maximum of 3 students in any one calendar year).
- (b) CEU credit is awarded for the year the training was completed.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-8 by HB 2824 (2023), eff 11-1-23]

310:679-10-37. Preceptor's checklist

- (a) The preceptor will maintain a current program completion checklist in the facility on the intern on a form approved by the Department to be reviewed by the Department upon request.
- (b) The program completion checklist will be submitted to the Department with the final evaluation form.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-9 by HB 2824 (2023), eff 11-1-23]

310:679-10-38. Preceptor concerns

If disciplinary or enforcement action is taken against an administrator serving as a preceptor, the Department shall determine if there is a need to reassign the intern to a different preceptor.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-10 by HB 2824 (2023), eff 11-1-23]

310:679-10-39. Intern concerns

When a preceptor has concerns about an intern's ability to complete the internship requirements or ethical concerns that may affect the intern's ability to become a licensed administrator, the preceptor must notify the Department within ten (10) days.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-11 by HB 2824 (2023), eff 11-1-23]

310:679-10-40. Compensation for interns

The facility or facilities may compensate an intern, but is/are not required to do so. The Department does not regulate compensation agreements on behalf of the intern or the preceptor.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-12 by HB 2824 (2023), eff 11-1-23]

310:679-10-41. Internship requirements

- (a) Tier 1 administrator applicants must complete at least a 1,000 hour internship with a Department-approved preceptor.

- (b) Tier 2 administrator applicants must complete at least a 500 hour internship with a Department-approved preceptor.
- (c) CAA applicants must complete at least a 500 hour internship with a Department-approved preceptor.
- (d) Applicants have twenty-four (24) months to complete the required internship and cannot complete greater than 40 internship hours per week.
- (e) Applicants completing an internship who are called to active military duty may request stoppage on the twenty-four (24) month timeline. The Department may halt the timeline for military members called to active duty if the pause in the timeline is not likely to impede the applicant's ability to perform the required administrator duties once they are a licensed administrator.
- (f) An applicant may apply for a one-time extension for the twenty-four (24) month timeline. Approval is at the discretion of the Department.
- (g) The internship must be completed in a facility or facilities licensed in Oklahoma for the level of care equivalent to the license or certification being sought.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-13 by HB 2824 (2023), eff 11-1-23]

310:679-10-42. Internship exemption

The Department may waive the internship requirement, wholly or in part, for applicants who have provided documentation demonstrating the successful completion of a formal internship program that meets or exceeds Department requirements, such as in another state or in a NAB accredited long-term care degree program.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-14 by HB 2824 (2023), eff 11-1-23]

310:679-10-43. Refusal to approve or renew preceptor or intern assignment

The Department may withdraw preceptor approval or disapprove the preceptor selection of an intern. .

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-16 by HB 2824 (2023), eff 11-1-23]

310:679-10-44. Maximum preceptor oversight

A preceptor may not oversee more than two (2) interns at a time.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-8-17 by HB 2824 (2023), eff 11-1-23]

PART 10. STANDARDS FOR ADMINISTRATORS

310:679-10-50. Administrator Ethics

- (a) Long-term care administrators and AITs are encouraged to participate in a professional association. CEUs may be approved when offered by a professional organization related to the field of licensure.
- (b) Ethical standards such as those found in the American College of Health Care Administrators Code of Ethics shall be used as a minimum threshold for ethical standards.
- (c) Licensed administrators must report any unethical conduct to the appropriate licensure boards.
- (d) Licensed administrators have a fiduciary duty to the facility and cannot serve as a guardian of the person or the estate, or hold durable power of attorney for any resident of a facility of which they are an administrator.
- (e) Administrators must post their license or certificate in a conspicuous location where it is easily visible by residents, clients, family members, and guardians.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-13-1 by HB 2824 (2023), eff 11-1-23]

310:679-10-51. Administrator responsibilities

- (a) The long-term care administrator will manage the planning, organization, direction, and control of the day-to-day functions of the facility in which they are the licensed administrator. The administrator must

comply with laws, rules, and regulations related to the management of the facility.

(b) Long-term care administrators licensed by the Department shall not concurrently serve as the administrator-of-record (AOR) of more than one long-term care facility except as otherwise permitted in this Chapter. A licensed long-term care administrator may serve as the administrator of more than one intermediate care facility for individuals with intellectual disabilities with sixteen or fewer beds (ICF/IID-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. A Long-Term Care Administrator may not concurrently serve as the Director of Nursing (DON) of a facility while serving as the facility's AOR.

(c) Tier 2 RCAL Administrators are limited to serving concurrently as AOR of two (2) Assisted Living Facilities. The facilities must be located within sixty (60) miles of each other and have less than one hundred and thirty (130) occupied beds.

(d) Tier 1 Administrators may concurrently serve as the AOR of a SNF/NF and one other facility (Assisted Living, Residential Care or Adult Day Care) if the two facilities have the same owner, the facilities are within 15 miles, and the number of occupied beds (or occupied beds and participants) does not exceed 130.

(e) Every licensed or certified administrator and assistant administrator designated as the "Administrator-of-Record" (AOR) shall display the license or certificate in a conspicuous place.

(f) Licensed/certified administrators shall update their information with the Department within fifteen (15) calendar days for each of the following:

- (1) Name change;
- (2) Business address change;
- (3) Personal address change;
- (4) Change in employment status; and/or
- (5) Change of employer.

(g) Legal proof of a name change will be required prior to a replacement document being issued with the new name.

(h) Administrators may not contact any individual currently residing in a long-term care facility, or the family or guardian of an individual currently residing in a long-term care facility, for the purpose of persuading a move by the resident to another long-term care facility.

(i) An administrator shall not engage in or allow an employee to engage in the coercion or harassment to solicit clients for a long-term care facility.

(j) Administrators and administrator applicants must:

- (1) Respond to requests for information made by the Department, other governmental agencies with authority, or a designated representative thereof;
- (2) Be truthful in all responses to inquiries by the Department, other governmental agencies with authority, or a designated representative thereof; and
- (3) Disclose all facts and information necessary for all matters under investigation.

(k) All administrators and CAAs must register with the NAB CE Registry.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-13-2 by HB 2824 (2023), eff 11-1-23]

310:679-10-52. Serving as the Administrator-of-Record for two (2) or more licensed long-term care (nursing) facilities employing Certified Assistant Administrators

(a) The Administrator-of-Record must ensure all minimum requirements for individuals wishing to serve as a Certified Assistant Administrator (CAA) in this rule and the Nursing Home Care Act (see Title 63, Section 1-1943.1) are met prior to the delegation of duties and responsibilities to the CAA.

(b) The Administrator-of-Record shall delegate authority and responsibility to the CAA for all operational aspects of the facility for which they will be responsible.

(c) The Administrator-of-Record shall maintain a clear formal job description for the CAA, which will include duties and responsibilities.

(d) The Administrator-of-Record shall provide supervision, training and direction, and delegate duties and responsibilities which may safely be performed by the CAA.

(e) The licensed Administrator-of-Record, is legally responsible for the management and operation of the facility and shall maintain sufficient on-site presence in the facility to effectively supervise the CAA.

- (f) The Administrator-of-Record shall ensure the CAA does not concurrently serve as CAA 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 CAA. On-site supervisory visits shall not be more than ten (10) calendar days apart.
- (h) Residents and their family members or guardian must be provided a policy on who can be called when the Administrator of Record is absent from the facility. At a minimum, the policy should include when and how this contact can be made.
- (i) The Administrator-of-Record may not delegate any responsibilities or duties required by State or Federal law, statute, rule or regulation that are required to be performed by a licensed Administrator.
- (j) The Administrator of Record must not allow individuals to serve as a CAA if:
 - (1) They hold a license or certificate that has been suspended, revoked, or otherwise restricted by the Department; and/or
 - (2) The license or certificate holder has been sanctioned or formally excluded from participation in federally-funded health programs by the U.S. Department of Health and Human Services (DHHS) or the Office of Inspector General (OIG).
- (k) The Administrator-of-record shall ensure that no individual serves as a CAA 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.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-13-3 by HB 2824 (2023), eff 11-1-23]

SUBCHAPTER 15. LONG-TERM CARE CERTIFIED ASSISTANT ADMINISTRATORS

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24]

PART 1. CERTIFICATION OF LONG-TERM CARE ASSISTANT ADMINISTRATORS

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24]

310:679-15-1. Purpose [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-15-1 by HB 2824 (2023), eff 11-1-23]

310:679-15-2. Definitions [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-15-2 by HB 2824 (2023), eff 11-1-23]

310:679-15-3. Minimum qualifications for a Certified Assistant Administrator (CAA)

In addition to the general requirements for administrators, each applicant seeking certification as a CAA must provide evidence satisfactory to the Department to include:

- (1) High school diploma or G.E.D.;
- (2) Successful completion of Department-approved training, within 24 months prior to certification;
- (3) A passing score on the applicable Oklahoma State Standards examination;
- (4) A passing score on the NAB Core examination; and
 - (A) One (1) year of current management, leadership or supervisory experience in a long-term care facility; OR
 - (B) Completion of a Department-approved Administrator in Training (AIT) program.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-15-3 by HB 2824 (2023), eff 11-1-23]

310:679-15-3.1. Evidence requirements

To satisfy the requirement for evidence indicating experience, the CAA applicant may submit a declaration in the form of a letter on company letterhead, signed by a licensed administrator, medical director, director of nursing, or registered nurse of a long-term care facility attesting to the number of employees and length of time the applicant supervised.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-15-3.1 by HB 2824 (2023), eff 11-1-23]

310:679-15-4. Certified Assistant Administrator Scope of Practice

(a) A Certified Assistant Administrator (CAA) under the supervision and direction of a licensed Administrator-of-Record may have the responsibility to plan, organize, direct, and control day-to-day functions of a facility delegated to him and to maintain the facility's compliance with applicable laws, rules, and regulations during the absence of the licensed administrator.

(b)

A CAA:

- (1) May serve at only one (1) nursing facility at a time;
- (2) Must spend at least 80% of working time on-site at the facility;
- (3) Must equitably distribute on-site time throughout each calendar week at the facility;
- (4) Place emphasis on weekdays, Monday through Friday, between 9:00 a.m. and 5:00 p.m. for on-site hours.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:10-15-4 by HB 2824 (2023), eff 11-1-23]

PART 3. APPLICATION FOR CERTIFICATION AND REQUIREMENTS FOR CONTINUED ELIGIBILITY

310:679-15-8. Application process

CAA applicants must complete required training, fill out the online application completely and correctly, upload required documentation, and pay the applicable application fee.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:15-3-1 by HB 2824 (2023), eff 11-1-23]

310:679-15-9. Approval process [REVOKED]

[Source: Revoked at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:15-3-2 by HB 2824 (2023), eff 11-1-23]

310:679-15-10. Requirements for certified assistant administrators

(a) A certified assistant administrator is required to renew their certification annually during the annual renewal period

(b) CAAs who are not working as certified assistant administrators must complete the minimum annual CEU requirements to remain qualified and to renew their certification.

[Source: Amended at 41 Ok Reg, Number 22, effective 8-11-24; Transferred from 490:15-3-3 by HB 2824 (2023), eff 11-1-23]