

Title 30: Professions and Occupations

Part 2703: Licensure, Regulations, and Administrative Hearings

Part 2703 Chapter 1: Licensure

Rule 1.1 Licensure Requirements for Nursing Home Administrators

A. Licensure Requirements

From and after July 1, 2012, in order to be eligible to be licensed as a nursing home administrator, an individual must submit evidence satisfactory to the Board that he or she:

- (1) Is at least twenty-one (21) years of age;
- (2) Is of good moral character.
- (3) Is in good health
- (4) Meets one of the following educational and/or experiential requirements for licensure:
 - (a) Has sixty-four (64) semester hours of academic college work from an accredited institution and has worked in a full-time (i.e., 40 hour per week) supervisory capacity in a Mississippi-licensed nursing home for a minimum of two (2) consecutive years immediately prior to or preceding the date on which the application for the Administrator-in-Training Program prescribed by Part 2703, Chapter 1, Rule 1.3 is made or received by the Board. For the purpose of meeting the educational requirements of this paragraph, quarter hours will be converted into semester hours by the current standard conversion rate according to Institutions of Higher Learning (IHL);
 - (b) Has an associate degree from an accredited institution and has worked in a full-time (i.e., 40 hours per week) supervisory capacity in a Mississippi-licensed nursing home for a minimum of two (2) consecutive years immediately prior to or preceding the date on which the application for the Administrator-in-Training Program established by Part 2703, Chapter 1, Rule 1.3 is received by the Board;
 - (c) Has a bachelor's degree in health care administration or a

health care related field or business from an accredited institution before

making application for the Administrator-in-Training Program established by Part 2703, Chapter 1, Rule 1.3;

or

Has a bachelor's degree in any other field of study from an accredited institution before making application for the Administrator-in-Training Program established by Part 2703, Chapter 1, Rule 1.3;

- (d) For the purposes of licensure, the academic program must be accredited by an institution recognized by the Council for Higher Education Accreditation (CHEA).

(5) Causes:

- (a) a criminal records check that has been performed on the applicant to be sent directly to the Board's administrative office directly from the employing institution. This document must be signed and notarized; or
- (b) a state and federal criminal background to be sent to the Board's administrative office directly from the appropriate governmental agency.

The applicant shall be responsible for the payment of any fees or costs associated with the state and federal criminal record checks. Such costs or fees shall be paid by the applicant to the agency completing the record check. Criminal record checks must have been performed on the applicant within six (6) months immediately prior to the filing of the Administrator- in-Training Program Application or the Endorsement Application or a new criminal record check shall be required.

(6) Meets one of the following clinical requirements –

- (a) Has completed the Administrator-in-Training Program prescribed by Part 2703, Chapter 1, Rule 1.3;

or

- (b) Has completed a Board approved Administrator-in-

Training Program in Long-Term Care Administration from an academic institution during which time the institution held National Association of Long-Term Care Administrator Board (NAB) Program Approval through the Academic Approval process,

- (7) Has pursuant to the Board's standards developed consistent with Mississippi Code Ann. 73-17-9(a), has completed a Domains of Practice course to the satisfaction of the Board, pursuant to Part 2703, Chapter 1, Rule 1.3.
- (8) Has pursuant to the Board's standards developed consistent with Mississippi Code Ann. 73-17-9(a), has completed a 2-day training course with the Office of Licensure and Certification, Department of Health, to the satisfaction of the Board, pursuant to Part 2703, Chapter 1, Rule 1.3.
- (9) Has successfully passed the National Association of Long-Term Care Administrator Board (NAB) examination and the Mississippi State Board of Nursing Home Administrators examination at the then current passing score.
- (10) Submits payment of the application, license and other applicable fees prescribed in Part 2701, Chapter 1, Rule 1.3.H and
- (11) Has met all of the requirements required by Section 73-17-11 of the Mississippi Code of 1972, as amended.
- (12) Request for Pre-Licensure Determination. An individual may request the Board for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. The determination request shall be in writing, filed on a form supplied by the Board and signed in the presence of a notary. The request shall also be accompanied by a judgement of conviction and a fee of \$25.00.

(a) Disqualifying Crimes Felony

- (i) An individual may be denied a license or permit based on a felony conviction. A felony conviction includes the following: a deferred conviction, a deferred prosecution, a deferred sentence, finding or verdict of guilt, admission of guilt or a plea of nolo contendere.
- (ii) Directly Related to Licensure Practice. Crimes involving fraud or theft. Nursing Home Administrators often have unfettered access to individuals' privileged information,

financial information, and valuables, including medications, money, jewelry, credit cards/checkbook, and sentimental items. Nursing Home Administrators also provide services, working night and weekend shifts at nursing homes where there is often no direct supervision. Clients in these settings are particularly vulnerable to the unethical, deceitful, and illegal conduct of a nursing home administrator. When a nursing home administrator has engaged in criminal behavior involving physical misconduct, fraud or theft in the past, the Board is mindful that similar misconduct may be repeated in nursing homes, thereby placing clients and the public at risk.

- (iii) Misdemeanor. The admission of multiple convictions, including misdemeanor convictions may be used to determine if an individual shall be denied a license or permit.

(b) Determination Notification

- (i) Time for Response. The licensing authority or its designee shall issue a written determination notification to the individual within 30 days from the board's receipt of the individual's request.
- (ii) Standing. The individual shall be provided one of the following responses:

1. Insufficient Information. If the individual's request contains insufficient information, the licensing authority or its designee will notify the individual that a determination cannot be made at this time as to the individual's standing or whether or not the criminal record will disqualify the individual from obtaining a license.

2. Disqualification Notification. The licensing authority or its designee shall notify the individual of the following:

- Grounds and reasons for denial or disqualification.
- The right to a hearing;
- The earliest date to reapply for a license;
- Evidence of rehabilitation may be considered upon reapplication.

- (c) Administrative Hearing. The notice will advise the individual of the right to a hearing to challenge the licensing authority or its designee's decision.

- (d) Notice of Hearing. The licensing authority or its designee shall provide in writing to the individual the time, date and nature of the hearing pursuant to the Board's statutory provisions, rules and regulations.
- B. Applicants for Licensure by Endorsement for Individuals Licensed in Other States
- (1) An individual licensed in good standing as a nursing home administrator in another state may qualify for licensure as a nursing home administrator if his or her educational, training and administrative experience are equal to or exceeds the requirements specified in Rule 1.1.A.(1) – (6) of Chapter 1, Part 2703 of these Rules and Regulations, and has passed both the National Association of Long-Term Care Administrator Board (NAB) examination and the Mississippi State Board of Nursing Home Administrators State examination at the then current passing score.
 - (2) The Board, subject to the law pertaining to the licensing of nursing home administrators may at its discretion, endorse a nursing home administrator license issued by the proper authorities of any other state, upon payment of the biennial license fee, the application fee and all other applicable fees prescribed in Rule 1.3.H. of Chapter 1, Part 2701, and submission of evidence satisfactory to the Board that:
 - (a) The applicant provides satisfactory evidence of completion of at least a 1,040 hour A.I.T. program in the State of original license, or provide satisfactory evidence of completion of an A.I.T. Program as specified in Rule 1.3.B. of Chapter 1, Part 2703;
 - (b) Applicant must have successfully passed the NAB Exam with the then current passing score of the date of his or her initial license;
 - (c) Applicant successfully passed the Mississippi State Board of Nursing Home Administrators State Exam within one hundred twenty (120) days after Board approval;
 - (d) Applicant has not had a license revoked or suspended in any state from which he or she has received a nursing home administrator license; and
 - (3) A temporary permit to practice as a nursing home administrator in Mississippi may be issued to an individual applying for a Mississippi nursing home administrator license for the facility in which the permit is issued who meets the following conditions:

- (a) Submits supporting documentation showing that he or she meets the licensing requirements found in Rule 1.1.B. of Chapter 1, Part 2703 and pays all required fees;
- (b) Holds a current and unencumbered nursing home administrator license, which is in good standing, in at least one other state;
- (c) Submits a formal request, along with the Application, documenting the circumstances that created the need for a temporary permit, as well as the temporary permit fee.
- (d) Submits satisfactory proof from each state board that has issued him or her a nursing home administrator license at any time in the past:
 - (i) that there has been no formal discipline taken against the license;
 - (ii) that the applicant received an acceptable NAB Exam Scale score with the then current passing score of the date of his or her initial license;
 - (iii) that the applicant either successfully completed a 1,040 hour A.I.T. Program, or provide satisfactory evidence of completion of an A.I.T. Program as specified in Rule 1.3.B of Chapter 1, Part 2703.
- (e) In no case shall a temporary permit be issued to an individual for a period longer than three (3) months.
- (f) In no case shall an individual nursing home facility be administered by a nursing home administrator holding a “temporary permit” for more than three (3) months in one (1) calendar year.
- (4) Under a declared state of emergency lawfully declared by either Federal, State or Local government, an administrator who holds a valid license in good standing in another state, may be eligible to work as the administrator of record in a Mississippi nursing home facility after he or she submits to the Board office:
 - (a) a picture I.D.;
 - (b) proof of a current nursing home administrator

license which is valid and in good standing in another state;

- (c) a completed 1 page Application designed for this purpose;

The authority to work under these emergency conditions will be for a maximum period of sixty (60) days.

C. Military Family Freedom Act. All requirements

The issuance of a nursing home administrator's license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

D. Universal Recognition of Occupational Licenses and Temporary Practice Permits or Persons Who Establish Residence in this State

All requirements of 73-50-2 shall be met where applicable.

- (1) This Board shall make all reasonable efforts to issue a license to an applicant for licensure under this section upon completion of a completed application.
- (2) An applicant will not be prohibited for applying for licensure under the existing licensure requirements established by the Board.
- (3) A license issued under this section is valid only in Mississippi and it does not make the person eligible to work in another state under an interstate compact or reciprocal agreement unless otherwise provided by Mississippi law.

E. Burden of Proof for Licensure Applicants

It is the responsibility of the applicant to demonstrate that he or she meets the requirements for licensure set forth in *Mississippi Nursing Home Administrators Law of 1970*, as amended, and the Rules and Regulations of the Board.

Source: *Miss. Code Ann. Sections 73-17-7(2) and 73-17-9(a), (b), (c) and (g)*(Rev. 2008); and *Miss. Code Ann. Section 73-17-11* (Supp. 2011); and *Miss. Code Ann. Section 73-50-2* and; *Miss. Code Ann. Section 73-50-1, 73-50-2, 73-77-9*.

Rule 1.2 Application(s)

A. Administrator-in-Training (A.I.T.) Application

An applicant for the A.I.T. Program shall file a written or electronic application, on the forms prescribed and furnished by the Board, pay all applicable fees, and furnish evidence satisfactory to the Board that he or she has met all licensure requirements as specified in Rule 1.1.A.(1) – (6) of Chapter 1, Part 2703 of these Rules and Regulations. The application form is available from the Board office or the Board website.

The applicant shall submit to the Board the following:

- (1) satisfactory proof of age, which must accompany the application;
- (2) letters from three (3) references, who shall certify to the good moral character of the applicant, and shall be from individuals who have engaged in either business or professional work with the applicant, but shall not be related by blood or marriage;
- (3) a statement, which must accompany the application from the applicant's physician as to the health of the applicant, specifically, his or her physical ability to perform the duties of a nursing home administrator;
- (4) a finished unmounted recent photograph of himself or herself for identification. This photograph must be attached to the application, must not be less than 2" x 3" in size and must be signed by the applicant on the back;
- (5) a transcript, bearing the official seal of the educational institution, which must be submitted to the Board office directly from the institution, for the purpose of documenting successful completion of college credits by the applicant;
- (6) if applicable, a signed statement from the applicant's current nursing home administrator describing the duties the applicant has performed, the number of employees he or she has supervised, and any other information concerning the applicant's work experience for at least the past two (2) consecutive years immediately prior to making application with the Board.
- (7) payment for the current application fee in the amount set forth on the application to cover the costs associated with processing the application. The fee which is non-refundable, must accompany the A.I.T. application.
- (8) Satisfactory proof that:
 - (a) a criminal records check that has been performed on the applicant to be sent directly to the Board's administrative office directly from the employing institution. This document must be signed and notarized; or

- (b) a state and federal criminal background to be sent to the Board's administrative office directly from the appropriate governmental agency.

The applicant shall be responsible for the payment of any fees or costs associated with the state and federal criminal record checks. Such costs or fees shall be paid by the applicant to the agency completing the record check. Criminal record checks must have been performed on the applicant within six (6) months immediately prior to the filing of the Administrator-in-Training Program Application or the Endorsement Application or a new criminal record check shall be required.

- (9) if the applicant has at any time held a certification or license, he or she must provide satisfactory proof that no formal discipline has been taken against any and all of those certifications or licenses.
- (10) a completed Certificate of Employment form and A.I.T./ Preceptor Agreement form, or proof of completion of an equivalent A.I.T. program in Long Term Care Administration from an academic institution as stated in Part 2703, Chapter 1, Rule 1.1A.(6)(b). The appropriate document must accompany the application.

B. Endorsement Application

An applicant for licensure by Endorsement shall file a written or electronic application on forms prescribed and furnished by the Board, pay the applicable fees, and furnish evidence satisfactory to the Board that he/she has met all licensure requirements specified in subsections (1) – (6) of Rule 1.1. Rule 1.1.B(1) – (2) and in subsections (1) – (9) of Rule 1.2.A. of Chapter 1, Part 2703.

The applicant shall also furnish the Board with:

- (1) satisfactory proof that the applicant completed an A.I.T. Program as specified in Rule 1.3.B., Chapter 1, Part 2703;
- (2) satisfactory proof of a current nursing home administrators license in at least one (1) other state and that there has been no formal discipline taken against any license in any state the applicant has held a license;
- (3) satisfactory proof that the applicant is employed or will become employed in a Mississippi nursing home. The applicant shall attach to the application a completed Certificate of Employment form; and

- (4) satisfactory proof of the applicant's NAB Examination Score which must consist of a Scale Score of at least 113.

C. Temporary Permit Application

An applicant requesting a temporary permit in the state of Mississippi shall file a written or electronic application on forms provided by the Board, pay the applicable fees, and furnish evidence satisfactory to the Board that he or she has met all licensure requirements specified in subsections (1) – (6) of Rule 1.1.A., Rule 1.1.B.(1) – (3), subsections (1) – (9) of Rule 1.2.A., Rule 1.2.B.(1) – (4) of Chapter 1, Part 2703 of these Rules and Regulations. The applicant must furnish the Board with a written explanation, with supporting documentation, that clearly justifies why the temporary permit is needed.

D. Applications for Licensure

After compliance with all of the requirements of Rule 1.1.A., B., and/or C., as applicable, of Chapter 1, Part 2703, the applicant shall file with the Board a written or electronic Application for Licensure, signed under penalty of perjury, on the form prescribed by the Board and provide such other information as the Board may require. Only complete applications shall be presented to the Board for approval. A complete application shall include all information requested on the form, the applicable fee(s), and all materials required by the Board for verification that the applicant meets all licensure requirements.

The basic requirements for suitability set forth herein above are to be considered minimal and may not be waived.

- E. The Board may designate a time and place at which an applicant may be required to present himself for inquiry as to his suitability as provided for herein.

The applicant shall be required to meet all the requirements of this and all other applicable laws and rules as prerequisite to sitting for the examinations as identified in Part 2703, Chapter 1, Rule 1.5.

All application fees are non-refundable and must accompany all applications at the time of filing with the Board. No applications will be considered until the applicable fees are paid.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(b) and (d)*(Rev. 2008); and *Miss. Code Ann. Section 73-17-11* (Supp. 2011).

Rule 1.3 Administrator-in-Training Programs

Applicants who seek licensure as a Nursing Home Administrator must meet one of the following program requirements:

A. Administrator-in-Training (A.I.T.) and Preceptor Program

(1) Administrator-in-Training

- (a) After Board action is taken to approve the applicant's qualifications, as set forth in Part 2703, Chapter 1, Rule 1.1, the applicant must be employed by the facility and engaged as a full-time practicing Administrator-in-Training in a licensed nursing home in Mississippi for a minimum period of six (6) consecutive months as evidenced by a properly executed and notarized *Certificate of Employment*. The *Certificate of Employment* must be submitted with the Application packet. Upon approval by the Board or its designee, the A.I.T. Program may be extended by up to two (2) months. Under no circumstances shall the time to complete the A.I. T. Program extend beyond eight (8) months after the beginning of the A.I.T. Program. An A.I.T. failing to complete the A.I.T. Program within eight (8) months after beginning the Program must reapply and, if accepted by the Board, must begin the A.I.T. Program anew pursuant to Rule 1.3, Chapter 1, Part 2703.
- (b) The A.I.T. program is a forty (40) hour per week program (Monday – Friday between the hours of 7:00 a.m. - 7:00 p.m. or otherwise approved by the Board) that must include a minimum of eight (8) hours per week under the close, personal, and direct supervision of a certified preceptor. Direct supervision means in-person oversight by an approved preceptor on the premises of the nursing home facility at which the intern performs his or her A.I.T. training program or on the premises of the nursing home at which the preceptor is employed. If due to no fault of the A.I.T., his or her preceptor becomes unable to complete the six month program as agreed, due to a job change, illness, etc., the A.I.T. shall immediately notify the Board office and will be given four weeks to secure another preceptor and submit the proper A.I.T. Preceptor Agreement Form. The Agreement shall cover the remaining period of time in order to complete the full six month program (1,040 hours). The A.I.T. and the former Preceptor must also submit a letter to the Board that clearly explains the reason(s) why the individual can no longer serve as the A.I.T.'s Preceptor.
- (c) Within ten days of beginning an Administrator-in-Training program, a Program Outline must be forwarded to the Board. Monthly reports documenting learning experiences and activities related to the Administrator-in-Training program are

to be submitted to the Board on established forms no later than the 15th day of the following month. Any required form or report which is received thirty (30) days after the end of the reporting period will result in the internship being terminated.

- (d) An Administrator-in-Training may not sit for the Nursing Home Administrators National Examination unless he/she has completed the six (6) months training and completed a Board approved training course covering the Domains of Practice for Nursing Home Administrators.
 - (e) Following completion of the six (6) months Administrator-in-Training program, and prior to receiving a regular license, the trainee shall successfully pass such tests as required by the Board to determine if he or she has received training and experience consistent with guidelines established by the Board.
 - (f) Prior to receiving a license, the Administrator-in-Training must complete a two-day training course with the Office of Licensure & Certification, Mississippi Department of Health.
 - (g) Failure to successfully complete licensing requirements within eighteen months after beginning the A.I.T. program will result in the loss of all accomplishments and fees.
- (2) Preceptor
- (a) The Preceptor must hold either:
 - i) a Nursing Home Administrator license in Mississippi and have three (3) consecutive years' experience in Mississippi as an Administrator or Assistant Administrator in a licensed nursing home facility without a break in service of more than ninety (90) days and must obtain certification as a preceptor by the Board. *; or
 - ii) an Administrator licensed in Mississippi and has three (3) consecutive years' experience in Mississippi who has direct management responsibility over one or more nursing homes or one or more nursing home administrators without a break in service of more than ninety (90) days and currently must obtain certified certification as a preceptor by the Board*; or
 - iii) a Nursing Home Administrator licensed in Mississippi and have ten (10) or more years of experience in Mississippi as an Administrator, Assistant

Administrator, or an Administrator who has direct management responsibility over one or more nursing homes or more than one nursing home administrator and must obtain certification as a preceptor by the Board.

For licensed Administrators who have worked under a Temporary Permit, the three years will be calculated beginning the effective date of the temporary permit.

As used in this Rule, consecutive employment means the uninterrupted or continuous employment with a Mississippi licensed nursing home facility. The phrase “three (3) consecutive years of employment” means the three-year period immediately prior to or preceding the filing of the registration form with the Board to become a Preceptor. Continuous service (employment) shall cease if a person has a break in service. A person experiences a break in service (employment) when he or she is not employed in Mississippi as an Administrator in a licensed nursing home, Assistant Administrator in a licensed nursing home, or an Administrator who has direct management responsibility over one or more nursing homes or more than one administrator for more than ninety (90) days (during the three-year period prescribed by this Rule).

Where a person’s last three years of employment are not continuous because of a break in service or otherwise, the period of employment after the break in service (employment) will be treated as new employment and will not be counted toward the three (3) years of consecutive employment required by this Rule.

A Nursing Home Administrator will also be considered for preceptorship who has direct management responsibility over one or more nursing homes or more than one administrator for the three-year period of time set forth above; has completed Board-approved training for certification as a preceptor in Mississippi; and currently must obtain certified certification as a preceptor by the Board. *

No preceptor certification shall be issued or granted to any person who has had a disciplinary action taken against his or her professional license within the three (3) years prior to date on which his or her eligibility as a preceptor is considered by the Board; who has resigned or surrendered his or her professional license in lieu of disciplinary action or while under investigation or while disciplinary action is pending. The Board

may also refuse to grant a preceptor certification to an individual who has a pending or unresolved complaint or investigation against his or her license; who has disciplinary action, sanctions, order, or agreement pending or in effect against his or her professional license; and/or whose license is in any way restricted or otherwise subject to disciplinary action.

*Note: Preceptor Certification training is offered annually by the Board for nursing home administrators eligible to serve as preceptors in Mississippi. Preceptor certification is effective July 1st for a period of two (2) years and is renewable biennially, as long as other criteria are met.

- (b) A Preceptor who completes a preceptorship within a biennial licensure period may be allowed five (5) hours of continuing education credit for precepting one (1) A.I.T. or ten (10) hours of continuing education credit for precepting two (2) A.I.T.s within that same biennial period. To be eligible for the credit, the preceptor must maintain documentation of the persons trained, number of hours supervised, subject matter and dates of training. No preceptor may receive more than ten (10) hours of credit per renewal period under this Rule. The fees associated with this cost are set forth in Part 2701, Chapter 1, Rule 1.3.H.
- (c) The A.I.T. experience must be guided by a training plan developed by the Nursing Home Administrator Preceptor. The Preceptor shall give close, personal, and direct supervision to the trainee for a minimum of eight (8) hours per week. Direct supervision means oversight by an approved preceptor on the premises of the nursing home facility at which the intern performs his or her A.I.T. training program or on the premises of the nursing home at which the preceptor is employed. The preceptor must be readily available to assist and answer questions at least eight (8) hours per week and available at least by telephone at all other times. The preceptor may be off the premises for limited periods of time for conferences, vacancies and similar events but still must be available by phone, not to exceed an average of more than one day per week.
- (d) The Preceptor must complete a written evaluation of the trainee after a three (3) month and a six (6) month training period.

The evaluation form must include the following: length of training period, description of training activities, evaluation of trainee's performance, trainee's evaluation of training received, and

signatures of the Preceptor and trainee. The evaluation forms must be received in the Mississippi Board's office within fifteen (15) calendar days of the completed training period. Any required form or report which is received in the Board's office thirty (30) days after the end of the applicable reporting period will result in the internship being terminated.

- (e) The Preceptor must have no more than two (2) Administrators-in-Training concurrently for any Preceptor experience.
- (f) The Preceptor in order to be eligible for recertification must meet the same qualifications as set forth in Part 2703, Chapter 1, Rule 1.3.A.(2) If his or her position or responsibility has changed since last certification, consideration will be given for recertification only if the Preceptor has direct management responsibility over one or more nursing homes and meets all other conditions as set forth in these Rules and Regulations.

B. Administrator-in-Training Program (Endorsement). An Applicant who applies for licensure by endorsement must provide proof of one of the following:

- (1) The applicant must provide the Board with verification that he or she has completed at least a 1,040 hour A.I.T. program in the State from which he or she is licensed; or
- (2) The applicant must provide the Board with ten (10) years of verified full- time qualifying experience as a licensed Nursing Home Administrator in a licensed nursing home in the state(s) from which he or she seeks endorsement; or
- (3) The applicant must provide the Board with two (2) years out of the past three (3) years of verified experience as a licensed Nursing Home Administrator in a licensed nursing home in the state(s) from which he or she seeks endorsement. The three (3) years must be immediately prior to the date on which the application is filed with the Board.

Source: *Miss. Code Ann. Sections 73-17-7(2) and 73-17-9(a), (b), and (g)*(Rev. 2008).

H. Fee Schedule

All fees and costs are to be paid by check, cashier's check, money order, or credit card to the Board, with the appropriate form or request attached, unless otherwise specified. All fees and costs are ***non-refundable***.

Application Fees:

Administrator-in-Training Application (incl. State Study Pkt)	\$325.00
Endorsement/Reciprocity Application (incl. State Study Pkt)	\$325.00
Emergency Permit Application (incl. State Study Pkt)	\$325.00
Universal Recognition of Occupational Licenses and Temporary Practice Permits of Persons Who Establish Residence in this State (UROLA) Application (incl. State Study Pkt)	\$325.00
Reinstatement Application	\$325.00
Temporary Permit Application	\$300.00
Universal Recognition of Occupational Licenses and Temporary Practice Permits of Persons Who Establish Residence in this State Temporary Permit (UROLA) Application	\$300.00

License Fees:

Renewal Fee	\$550.00
Renewal Late Fee	\$150.00
Temporary Permit Fee	\$100.00
UROLA Temporary Practice Permit Fee	\$100.00
Reinstatement Fee	\$550.00

Continuing Education Fees:

Sponsor Fees:

Distance Learning (1 – 2 hours)	\$200.00
Distance Learning (2.25 – 6 hours)	\$250.00
In-person (1-6 hours)	\$250.00
An additional \$40.00 fee for each hour or portion thereof above the 6 CE hours	\$40.00
Each additional presentation of same program	\$150.00
Individual Request Fee	\$75.00

Fee for Release of Licensure Information to Another State Board
(Endorsement Questionnaire) \$75.00

Administer Two Facilities Request Fee \$300.00

Duplicate Large License \$50.00

Duplicate Small License \$25.00

ID Card Replacement \$25.00

State Test Fee \$225.00

State Study Packet \$75.00

(Designed for preparation for the State Test)

Preceptor Certification Program Fee – three weeks prior		
	(both days)	\$450.00
	(one day only)	\$350.00
Preceptor Certification Program Fee	(both days)	\$475.00
	(one day only)	\$375.00
Preceptor Program Notebook Replacement		\$100.00
Change of Information Research/Return Fee		\$35.00 per incident
Returned Check Fee		\$50.00
Directory of Licensed Administrators (emailed Excel spreadsheet)		\$100.00
Rules and Regulations		Cost of duplication

Source: *Miss. Code Ann. Sections 73-17-7, 73-17-11(3) and (4) and 73-17-17-15(1)*(Rev. 2008); *Miss. Code Ann. Sections 25-41-5(2), 25-41-11 and 25-41-13(1)*(Rev. 2010); *Miss. Code Ann. Sections 25-43-2.103, 25-43-2.104 and 25-43-3.104*(Rev. 2010); and *Miss. Code Ann. Sections 25-61-1 through 25-61-12*(Rev. 2010).

Rule 1.4 Disqualifications; Re-Application

- A. An applicant for licensure who has been disqualified shall be given written notification by the Board of his/her disqualification and the reasons therefor and of his/her right to a hearing.
- B. An applicant for licensure who has been disqualified may petition the Board in writing within thirty (30) days of notification of disqualification for a hearing and a review of his/her application.
- C. Any person aggrieved by a decision of the Board in granting or refusing to grant a license, or aggrieved by an order, rule, or regulation of the Board, shall have the right to appeal to the chancery court of the county of the residence of the aggrieved party in the manner provided by law for appeals from administrative decisions.

- D. When an applicant for licensure has been disqualified, he/she may submit a new application for licensure; however, he/she shall be required to meet the requirements for licensing as shall be in force at the time of such re-application.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(c)*(Rev. 2008); and *Miss. Code Ann. Section 73-17-15* (Supp. 2011).

Rule 1.5 Examinations

In order to be eligible to sit for the examinations for licensure as a nursing home administrator, the applicant must meet all the requirements in Part 2703, Chapter 1, Rule 1.1, 1.2, and 1.3 hereinabove, and provide to the Board evidence of such completion, including but not limited to, Application for License as required in Part 2703, Chapter 1, Rule 1.2; evidence of satisfactory completion of an Administrator-in-Training program pursuant to Part 2703, Chapter 1, Rule 1.3; and evidence of completion of a Domains of Practice course, pursuant to Part 2703, Chapter 1, Rule 1.3.

- A. Each applicant for license must successfully complete the NAB Examination and the State Examination.
- B. In conjunction with NAB, the Board shall determine the subjects for examination of applicants for licensing as a nursing home administrator, and the scope, content, form, and character of such examinations, and shall provide the examination to applicants who have met the qualifications hereinabove. The NAB Examination cost is determined by NAB and the testing service. Testing costs are paid directly to NAB.

The NAB Examination must be scheduled by the applicant for licensure.

The State Examination will be administered at such times and places as designated by the Board. The contents and substance of the examination shall be the same for all applicants for licensure.

- C. Prior to sitting for the examinations, the applicant shall pay the applicable examination fees as determined by current national and state testing services.
- D. For those applicants who have satisfied their A.I.T. requirement by academic credentials as identified in Part 2703, Chapter 1, Rule 1.1 and 1.2, they will be eligible for the NAB and State examinations, assuming all other requirements herein have been met.
- E. Reexamination. An applicant may retake the NAB Examination or any portion thereof no sooner than ninety (90) days after an unsuccessful attempt to pass the exam or any portion thereof. The State Examination may be administered no sooner than thirty (30) days after an unsuccessful attempt to pass the exam. If an

applicant shall fail either exam three (3) times, he/she shall wait one (1) calendar year before submitting a new application.

Following the close of every examination, a permanent record stating in detail the results of the examination for each candidate shall be kept by the Board.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(a) and (b)*(Rev. 2008); and *Miss. Code Ann. Section 73-17-11* (Supp. 2011).

Rule 1.6 Subjects for Examinations and Continuing Education

- A. Every applicant for license as a nursing home administrator shall meet the requirements for licensure as set forth in the Act and Part 2703, Chapter 1, Rule 1.1 of these Rules and Regulations, which include successfully passing written examinations. Such examinations shall be designed to test the proficiency and knowledge of the applicant for license in the area of nursing home administration. The following areas of study shall be considered by the applicant as guidelines in preparing for such examinations:

- (1) Customer Care, Support, and Services
- (2) Human Resources
- (3) Finance
- (4) Environment
- (5) Management and Leadership

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(a), (d), and (g)*(Rev. 2008).

Rule 1.7 Grading Examinations

- A. Every candidate for a nursing home administrators license shall be required to pass an examination to be administered by the Board and which was prepared by the National Association of Boards of Examiners for Nursing Home Administrators.

The NAB test is divided into two sections (Core of Knowledge and NHA Line of Service). Every candidate must successfully pass each section.

- B. Passing Score for the NAB Examination will be as set by the National Association of Long Term Care Administrators Boards.
- C. In addition to the foregoing examination, the Board may adopt and approve an examination to be administered by the Board, and upon such approval, said

examination shall be considered a part of the examination which all applicants for licensure as nursing home administrators must pass. This examination shall be known as the State Examination.

Passing point for the State Examination is at least 75% of the questions answered correctly.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(b) and (c)*(Rev. 2008); and *Miss. Code Ann. Section 73-17-11* (Supp. 2011).

Rule 1.8 Abandonment of Application(s)

- A. An application shall be deemed abandoned when:
 - (1) Applications for the A.I.T. Program and Applications for Licensure by Individuals Licensed in Other States which remain incomplete after one (1) calendar year from the date of filing with the Board will be considered abandoned and the individuals seeking licensure shall be required to reapply with the Board.
 - (2) An applicant fails to begin the A.I.T. program within ninety (90) calendar days from the date of Board approval to enter the program.
 - (3) The applicant fails to submit the applicable Application for Licensure, signed under penalty of perjury, on a written or electronic form prescribed by the Board and submits the license fee within sixty (60) calendar days after the date of notification by the Board is mailed.
- B. Fees paid in connection with an abandoned application shall not be refunded.
- C. An application submitted subsequent to the abandonment of a previous application shall be treated as a new application. The applicant must reapply by submitting a new application in compliance with all of the requirements in effect at the time of reapplication including the requirements for qualification for training, examination, fees and licensure that exist at the time of the new application.
- D. An applicant whose application has been deemed abandoned may again become eligible for examination or re-examination upon filing a new application, ~~and~~ paying new fees, and meeting all other licensure requirements.

Source: *Miss. Code Ann. Sections 73-17-7(2) and 73-17-9(a)*(Rev. 2012).

Rule 1.9. Licenses

- A. An applicant for license as a nursing home administrator who has successfully

complied with the requirements of these Rules and Regulations shall be issued a license on a form provided for that purpose by the Board.

- B. Any license issued by the Board shall be under signature of the Chairman and shall bear the seal of the Board.

Source: *Miss. Code Ann. Sections 73-17-7(2) and 73-17-9(c)*(Rev. 2008); and *Miss. Code Ann. Section 73-17-11* (Supp. 2011).

Part 2703 Chapter 2: Regulations

Rule 2.1 Registration of Licenses

- A. Every person who holds a valid license as a nursing home administrator issued by the Board shall immediately upon issuance thereof be deemed registered with the Board and shall be issued a certificate of registration which shall expire biennially June 30. The registration fee for the initial registration with the Board shall be the pro rata portion of the biennial registration fee which is set forth in the application for license as a nursing home administrator which represents the portion of the biennial period in which the initial registration is effective.
- B. If a nursing home administrator files an application with the Board for a new certificate of registration on or before June 30, his/her prior certificate of registration shall remain in effect until the Board has acted on his/her application for a new certificate of registration.
- C. If a nursing home administrator does not file an application with the Board for a new certificate of registration on or before June 30, the Board may revoke his/her license after due notice and an opportunity to be heard at a formal hearing. The opportunity to be heard at a formal hearing shall be deemed to have been waived by the Board for a new certificate of registration on or before June 30, unless such administrator petitions the Board in writing within thirty (30) days of the mailing of the notice by the Board for a formal hearing.
- D. Upon making an application for a new certificate of registration, such licensee shall fulfill the following:
 - (1) pay biennial registration fee which is set forth in the application for a new certificate of registration;
 - (2) submit evidence satisfactory to the Board that during the biennial period immediately preceding such application for registration, he/she has completed Continuing Education programs or courses of study as provided for in Part 2703, Chapter 2, Rule 2.2 of these Rules and Regulations.
- E. Upon receipt of such application for registration, the registration fee, and the

information required with respect to continuing education, the Board may issue a certificate of registration to such nursing home administrator which shall be under the signature of the Chairman.

- F. Only an individual who has qualified as a licensed and registered nursing home administrator and who holds a valid registration certificate pursuant to the provisions of these Rules and Regulations for the current biennial registration period shall have the right and privilege of using the title "Nursing Home Administrator" and/or the abbreviation "N.H.A." after his/her name.
- G. The Board shall maintain a file on all applications for licensure and registration of nursing home administrators, which file shall show:
 - (1) The date of application;
 - (2) Name of applicant;
 - (3) Date of birth;
 - (4) Address of applicant;
 - (5) Name and address of current employer or business connection of each applicant;
 - (6) Education and experience data;
 - (7) License number and registration certificate issued to applicant;
 - (8) The date on which the Board reviewed and acted upon the application; and
 - (9) Such other pertinent information as may be deemed necessary.
- H. The Board shall maintain a register of all licenses.
- I. Re-registration
 - (1) A nursing home administrator whose Mississippi license expired within the past three (3) years may apply for relicensure provided the applicant obtains continuing education credit as determined by the Board.
 - (2) A nursing home administrator whose Mississippi license expired exceeding three (3) years but no more than five (5) years may be considered for relicensure provided he/she:
 - a. complies with all Rules for licensure in effect at time of reapplication, and,

- b. serves an internship under an approved preceptor for a period of at least twelve (12) weeks, and,
 - c. successfully passes the State Test.
- (3) A nursing home administrator whose Mississippi license expired more than five (5) years prior to making application for relicensure must apply according to Rules in effect at time of reapplication.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(g) and 73-17-11(3) and (4)*(Rev. 2008).

Rule 2.2 Continuing Education: Programs and Requirements

- A. Pursuant to Section 73-17-9 (g) of the Act, it shall be the function and duty of the Board to devise and implement an educational program designed to increase the proficiency of nursing home administrators and to assist otherwise qualified individuals to prepare for careers in nursing home administration. The purpose of continuing education review is to provide a standard and uniform method of evaluating the continuing education activities required for maintenance of licensure of nursing home administrators.
- (1) the program must be registered with the Board on forms provided by the Board;
 - (2) the programs must include areas of study selected from the subjects listed in Part 2703, Chapter 1, Rule 1.6 of these Rules and Regulations related to long-term or health care administrators;
 - (3) the program must be open to all licensed administrators wishing to register and attend;
 - (4) approved sponsors are required to submit to the Board an alphabetical listing of all licensed nursing home administrators in attendance. A photocopy of all sign-in pages must accompany the typed listing;
 - (5) a. the program must be submitted to the Board for approval at least thirty (30) calendar days prior to the anticipated registration of licensees in the course of study.

- b. Individual requests will be reviewed when submitted at least thirty (30) calendar days prior to the program being held. A maximum of ten (10) hours will be accepted from individually approved programs per 2-year licensure period.
 - c. An administrator who holds a nursing home administrator license in Mississippi and one or more additional states simultaneously, and is working in another state, may renew his/her MS license by receiving credit for continuing education hours earned from programs that have been approved by the state board in which he/she is working.
- (6) A three-hour semester course in an approved institution of higher learning within the guidelines for areas of study may be accepted as meeting twenty (20) clock hours of continuing education. A limitation of one three-hour semester course per licensure period will apply, that is approved prior to or during the course of study.
- (7) Programs which have received approval by NCERS (the National Board's Review Service for Continuing Education) will be acceptable for licensure renewal requirements for nursing home administrators licensed in MS, including self-study courses and distance learning courses. A maximum of twenty (20) hours will be accepted for each individual program or course approved by NCERS. No administrator will receive credit for more than twenty (20) hours earned from self-study and distance learning courses per 2- year licensure period approved by NCERS.

Any sponsor or sponsors found certifying to an untruth will no longer be considered as providing acceptable programs of study.

- B. Each nursing home administrator shall complete at least forty (40) classroom or clock hours of continuing education or its equivalent under an approved Continuing Education program each 2-year period. A minimum of twenty (20) hours shall be earned from Board approved courses.
- C. For new administrators licensed within a biennial period, this requirement shall be prorated at 1.5 hours per month.

Source: *Miss. Code Ann. Sections 73-17-7(2) and 73-17-9(d) and (g)*(Rev. 2008).

Rule 2.3 Certification of Program of Study for Federal Financial Participation as provided under Section 1908 of the United States Social Security Act

Programs of study will be certified by the Board in a manner consistent with the requirements of the Federal Government in order to qualify for Federal financial participation.

Source: *Miss. Code Ann. Section 73-17-7(2)*(Rev. 2008).

Rule 2.4 Display of Licenses and Registration Certificates

Every person licensed as a nursing home administrator actively engaged in the profession shall display such license and certificate of annual registration in a conspicuous place in the office or place of business or employment of such licensee.

Source: *Miss. Code Ann. Section 73-17-7(2)* and *73-17-9(d)*(Rev. 2008).

Rule 2.5 Notification of Change

Every licensed nursing home administrator shall immediately within seven (7) days notify in writing, or electronically through the Board's secure website, the office of the Mississippi State Board of Nursing Home Administrators of any and all changes in name, address, position, and other information originally submitted on their application.

Source: *Miss. Code Ann. Section 73-17-7(2)* and *73-17-9(d)* (Rev. 2008).

Rule 2.6 Duplicate Licenses

Upon receipt of satisfactory evidence that a license or certificate of registration has been lost, mutilated, or destroyed, the Board may issue a duplicate license or certificate upon such conditions as the Board may prescribe, and upon payment of a fee of Fifty Dollars (\$50.00).

Source: *Miss. Code Ann. Section 73-17-7(2)*(Rev. 2008).

Rule 2.7 The Management of More than One Nursing Home Prohibited

No administrator shall administer more than one nursing home, except temporarily in the event an administrator dies, becomes incapacitated, or resigns unexpectedly and the owner, manager, or governing body is unable to employ a licensed nursing home administrator immediately. However, a licensed administrator may administer two facilities with separate provider numbers within the same building, which share the same management and staff, without making a request of the Board under the "Administer Two Facilities" criteria.

A nursing home facility with an administrator vacancy shall apply to the Board for an exception to allow a licensed administrator to serve as acting administrator of a second facility until a licensed nursing home administrator can be employed. Such application shall state the acting

administrator's name, his place of employment, circumstances creating the need for a temporary arrangement and the period for which it is needed. Said application shall be verified by the acting administrator and the owner or manager of the nursing home. The two facilities shall be within one hundred (100) miles of each other. If the nursing home facility's request is granted, the Board will issue a temporary authorization for the nursing home administrator to serve as acting administrator of the facility.

If Board approval is granted to administer two facilities, the nursing home administrator is fully responsible, both legally and in practice, for both facilities. The nursing home administrator must spend at least half-time, i.e. sixteen (16) hours per week (Monday - Friday during normal business hours) on-site at each facility.

Governing bodies of nursing homes shall be allowed ten (10) days from time of administrator vacancy to submit a plan to correct deficiency.

All authorizations shall expire at the end of ninety (90) days. One ninety (90) day extension may be granted at the discretion of the Board. In no case shall temporary arrangements exceed six (6) months. Failure to comply will result in the Office of Licensure and Certification being notified of such.

For purposes of this rule:

- i) A nursing home facility is limited to one authorization and one extension of authorization in a single calendar year; and
- ii) A nursing home administrator is limited to one authorization and one extension of authorization in a single calendar year.

Source: *Miss. Code Ann. Sections 73-17-7(2) and 73-17-9(d)*(Rev. 2008).

Part 2703 Chapter 3: Offenses / Dispositions

Rule 3.1 General, Criminal Offenses, and Investigations

A. General

This rule specifies a procedure for the investigation and resolution of complaints and administrative actions concerning nursing home administrators, administrators-in-training (A.I.T.), and permit holders.

B. Criminal Offenses

It shall be an offense punishable as a misdemeanor for an individual to:

- (1) perform the duties of a nursing home administrator after July 1, 1970, without a valid license issued hereunder;

- (2) provide any false information, either written or oral, incident to either an application for a license hereunder or the renewal of a license hereunder, or a hearing held under the provisions of the *Mississippi Nursing Home Administrators Law of 1970*, as amended;
- (3) employ knowingly an unlicensed individual to perform the duties of a nursing home administrator.

C. Investigations

The Board is authorized to investigate or cause to be investigated either on the basis of complaints filed with it, or on its own initiative, instances of suspected violations of any of the provisions of the law pertaining to the licensing of nursing home administrators or the Rules and Regulations of the Board pertaining thereto, including, but not limited to:

- (1) providing false information to the Board incident to either an application for license, an application for a new certificate of registration, a hearing or otherwise;
- (2) maladministration, which includes by way of illustration, but is not limited to: (a) practicing fraud, deceit, or misrepresentation in the capacity of a nursing home administrator; (b) willful falsification, destruction or theft of property or records relative to the practice of nursing home administration; (c) committing acts of misconduct in the operation of a nursing home; (d) advertising in a fraudulent, misleading, or deceptive manner; (e) failure to exercise true regard for the safety, health and life of patients; (f) unauthorized disclosure of information relating to a patient or his records; and (g) paying, giving, causing to be paid or given, or offering to pay, or giving to any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home patronage, or accepting such payment;
- (3) unethical conduct, which includes by way of illustration, but is not limited to: wrongfully transferring or surrendering possession, either temporarily or permanently, of a license or certificate of registration as a nursing home administrator to any other person;
- (4) incompetence, which includes by way of illustration, but is not limited to: habitual drunkenness, addiction to the use of narcotic drugs, unsound mental health, and being physically unable to perform any and all duties of the administrator to ensure the health and safety of all residents;
- (5) conviction of a felony; and

- (6) unprofessional conduct, which includes but is not limited to, doing any act which reflects unfavorably upon a licensee under the law or these Rules and Regulations.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(d) and (e) and 73-17-13 (Rev. 2008); and Miss. Code Ann. Section 73-17-15 (Supp. 2011).*

Rule 3.2 Complaint Procedures

All investigations will be conducted fairly and objectively, observing all rights of due process, confidentiality and an individual right of response and defense.

A. Receipt of a Complaint

A complaint may be submitted to the Board by a person, member of the Board, firm, organization, or entity on a complaint form. A complaint must be in writing and must be signed and certified as to its truthfulness by the person or entity offering the complaint. The Board also may file a complaint based on information in its possession.

B. Content of a Complaint

The complaint must contain at least: i) the name and address of the nursing home administrator, A.I.T., permit holder, or party against whom the complaint is lodged; ii) the date of each transaction or event which is the subject of the complaint; iii) a description of the alleged violation which prompted the complaint; iv) the name of any person or party who may be a witness to the complaint; and v) documentation in support of the complaint.

C. Anonymous Complaint

An anonymous complaint will not be accepted.

D. Notice of a Complaint

Upon receipt of the sworn complaint against a nursing home administrator licensee, A.I.T., or permittee:

- (1) The complaint will be referred by the Executive Director to the investigating Board member.
- (2) A copy of the complaint shall be sent to the last known address on file with the Board for the licensee or party named in the complaint along with a request for a written response to the complaint. The Board shall send a copy of the complaint, including any supporting documentation, by certified mail to the licensee, A.I.T., or permittee in question for his or her

written comment, and he or she shall submit a written response to the Board within twenty (20) days of the date of such correspondence, or waive the right to do so. A complaint will be presumed to be received no later than three (3) calendar days after the date of mailing.

Requests for comment on complaints sent to licensees, A.I.T.s, or permittees shall be considered properly served when sent to their last known address. The licensee, A.I.T., or permittee is responsible for keeping the Board informed of his or her current address.

- (3) Upon receipt of the written response of the party who is the subject of the complaint, a copy of the response shall be sent to the complainant. The complainant shall have ten (10) calendar days from the date of receipt to submit a written reply with the Board to the response.

E. Exceptions to Disclosure

Notwithstanding any other provision in these rules, the party named in a complaint will not be required to receive notice of the complaint filing, or a copy of the complaint, or any related investigatory evidence prior to the notice of contemplated action, if the Complaint Committee determines that disclosure may impair, impede, or compromise the efficacy or integrity of the investigation of the complaint.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(d) and (e) and 73-17-13(Rev. 2008); and Miss. Code Ann. Section 73-17-15 (Supp. 2011).*

Rule 3.3 Reviews & Investigations by Complaint Committee

A. Review of a Complaint

- (1) After the receipt of a complaint and the expiration of the period for the response, the Complaint Committee, described in Part 2703, Chapter 3, Rule 3.9, shall consider the complaint, responses, and complainant's reply to the responses and other relevant material available and make a recommendation to the Board. The Complaint Committee shall also determine whether there is enough evidence to warrant a formal investigation of the complaint.
- (2) The Complaint Committee shall determine if there is a reasonable basis to believe the licensee, A.I.T., or permittee engaged in conduct identified as grounds for disciplinary or adverse action under *Mississippi Nursing Home Administrators Law of 1970*, as amended, and the Rules and Regulations of the Board.

- (3) If the Complaint Committee determines there is not a reasonable basis to believe in misconduct, the Complaint Committee will recommend that the complaint be dismissed by the Board and thereafter notify the complainant and the licensee, A.I.T., or permittee of the outcome of the complaint.
- (4) If, the Complaint Committee determines that a complaint warrants formal investigation, then the Complaint Committee shall investigate the matter.

B. Investigation of a Complaint

- (1) After notice and an opportunity to be heard, the Board may impose any of the sanctions, singularly or in combination, authorized by the *Mississippi Nursing Home Administrators Law of 1970*, as amended, for any violation of the Law and/or any of the rules and regulations governing nursing home administrators.
- (2) Upon completion of a formal investigation, the Complaint Committee shall consider the facts regarding the complaint. The Committee shall review the investigative report, supporting documents, and make a recommendation to the Board.
- (3) When in the opinion of the Complaint Committee a complaint warrants the issuance of a formal complaint against the licensee, A.I.T., or permittee, then the Complaint Committee shall recommend such action to the Board in accordance with Part 2703, Chapter 3, Rule 3.4.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(d) and (e) and 73-17-13*(Rev. 2008); and *Miss. Code Ann. Section 73-17-15* (Supp. 2011).

Rule 3.4 Disposition of Complaints

A. Settlement

The Board, at any time, may offer or accept a proposal for informal resolution of the complaint or disciplinary action.

B. Board Review

Upon review and consideration, the Board shall vote upon the proposed recommendation(s) of the Complaint Committee and either uphold, reverse, or modify the recommendation(s).

C. Board Action

The Board may take any action with regard to a complaint which is within its authority and which is within the law, including referring the complaint to another licensing board or appropriate authority for further action.

D. Specific Board Sanctions

- (1) Revocation of the license.
- (2) Suspension of the license, for any period of time.
- (3) Refusal to issue a license.
- (4) Denial of an application for a license.
- (5) Written reprimand to the licensee.
- (6) Placement of a licensee on probationary status and/or take any other action as appropriate.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(d) and (e) and 73-17-13 (Rev. 2008); and Miss. Code Ann. Section 73-17-15 (Supp. 2011).*

Rule 3.5 Settlement by Informal Proceedings

A. Purpose

The Board or the Complaint Committee may enter into informal proceedings with the party who is the subject of the complaint for the purpose of resolving the matter appropriately.

B. Informal Conferences

To facilitate the disposition of a complaint, the Board or the Complaint Committee may provide an opportunity for a party to attend an informal conference, or to appear at a regular meeting of the Board, at any time prior to the Board entering any order with respect to the complaint. No prejudice shall be attached to the licensee, A.I.T., or permittee for failure to attend a conference pursuant to a request.

C. Consent Order

An agreed or consent order reached through the stipulation or settlement process shall be signed by the party who is the subject of the complaint and, if applicable, his or her legal representative and approved by the Board.

No proposed settlement, consent agreement, voluntary surrender of a license, or other proposal for the resolution of a pending complaint or disciplinary action shall be effective unless approved by the Board and executed by the Board and the licensee, permittee, or A.I.T. No Board member is presumed to be biased and shall not be excused from participating in the adjudication and deliberation of a case or action based solely on the reason that the member considered a proposed settlement, consent agreement, or other proposal for resolution of a pending disciplinary or licensure action.

Source: *Miss. Code Ann. Sections 73-17-3, 73-17-7(2), and 73-17-13*(Rev. 2008); and *Miss. Code Ann. Section 73-17-15* (Supp. 2011).

Rule 3.6 Administrative Proceedings

A. Case Summary

A case summary, including the alleged violations of the *Mississippi Nursing Home Administrators Law of 1970*, as amended, and the Rules and Regulations of the Board will be presented to the Board by the Complaint Committee along with the recommendation(s) for the disposition of the complaint. Reasonable attempts will be made to not disclose the identity of the licensee and the complainant by the Complaint Committee until the matter comes before the Board for hearing or final resolution.

B. Reasonable Cause

The Board's review will include the case summary prepared by the Complaint Committee to determine if reasonable cause exists to issue a notice of contemplated action or notice of hearing and complaint.

C. Dismissal of a Complaint

If the Board determines that there is not reasonable cause for the issuance of a notice of contemplated action or notice of hearing and formal complaint, a certified letter from the Board will be sent within thirty (30) calendar days of the Board's decision to the complainant and to the party named in the complaint. The letter will set forth the Board's action and reason for its decision.

D. Notice and Service to Respondent

If the Board determines that there is sufficient evidence or cause to issue a complaint or notice of contemplated action, the formal notice and complaint shall be signed by the Executive Director and shall be served as required by Section 73-17-15 of the Mississippi Code of 1972, as amended, to the party named in the complaint (the "Respondent") at his or her last known address on file with the Board.

E. Presiding Hearing Official

All hearings shall be conducted by the Board or by a hearing officer designated by the Board.

- (1) If a hearing officer is designated to hear a case, the hearing officer shall have the authority to decide pre-hearing matters, preside over the hearing, and direct post-hearing matters in accordance with the requirements of the case in a manner that ensures due process and an efficient and orderly hearing and resolution of the case.
- (2) If a hearing officer is not designated to preside over the case or if the hearing officer is unavailable or unable to proceed, the Board chair or other designee of the Board shall have the authority to decide pre-hearing or preliminary matters.

F. Filings

The original of any papers, pleadings or other documents shall be filed with the Board office. Each party must send copies to the hearing officer and attorneys or parties of record.

G. Continuances

No more than two (2) continuances of the hearing will be granted without the approval of the Board for good cause.

H. Recusal

Complaint Committee members who participate in the preparation of recommendations to the remaining Board members shall not participate further in any actions initiated by the Board against the licensee or party who is the subject of the complaint.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(d) and (e) and 73-17-13*(Rev. 2008); and *Miss. Code Ann. Section 73-17-15* (Supp. 2011).

Rule 3.7 Administrative Hearings

- A. Pursuant to the *Mississippi Nursing Home Administrators Law of 1970*, Title 73, Chapter 17 of the Mississippi Code of 1972, as amended, every licensee, permit holder or applicant shall be afforded notice and an opportunity to be heard before the Board when the Board has cause to believe that he or she has violated any of the laws, rules, or regulations of the Board.

- B. The Board's Executive Director's duties shall include:
- (1) Issuing a notice of hearing and complaint or notice of contemplated action in the case.
 - (2) Executing notices, scheduling orders, and other routine procedural documents that facilitate the conduct of the administrative proceedings.
 - (3) Maintaining the official record of all papers and pleadings filed with the Board in any matter.
 - (4) Preparing, certifying, and filing with the appellate court the record of the case on appeal or review.
- C. The hearing officer or the Board designee shall issue appropriate orders to control the course of the proceedings.
- D. The hearing officer or the Board designee may order the filing of briefs or other documents in the proceedings.
- E. A proposal to settle a matter shall not stay the proceedings or vacate the hearing date unless otherwise ordered by the hearing officer or the Board designee upon the filing of a timely motion for continuance.
- F. At the conclusion of the hearing, a final decision and order shall be entered by the Board. A Board member hearing officer, the Board chair, or designated Board member shall have the authority to sign the written decision of the Board.
- G. The Board's Executive Director shall serve the decision of the Board on the licensee, permit holder, A.I.T., or applicant.
- H. If a license or permit is restricted, suspended or revoked by the Board, the licensee shall immediately surrender his or her license to the Board as directed by the Board or the Board designee.
- I. If the licensee's scope of practice is restricted or limited or otherwise conditioned, the license may reflect such restriction, limitation or condition.

Source: *Miss. Code Ann. Sections 73-17-7(2), 73-17-9(d) and (e) and 73-17-13 (Rev. 2008); and Miss. Code Ann. Section 73-17-15 (Supp. 2011).*

Rule 3.8 Unlicensed/Unauthorized Practice

If, in the opinion of the Board, an individual may be operating as a nursing home administrator, A.I.T., preceptor, or permittee without appropriate license/credentials, then the Board may take

any one (1) or a combination of the following actions:

- A. Issue a letter ordering that person to cease and desist from operating as a nursing home administrator, A.I.T., preceptor, or permittee, as applicable;
- B. Forward information to the appropriate law enforcement entity with a request that appropriate action be taken pursuant to law; or
- C. Initiate action for injunctive relief to stop the unauthorized practice or action.

Source: *Miss. Code Ann. Sections 73-17-3, 73-17-7(2), and 73-17-13*(Rev. 2008); and *Miss. Code Ann. Section 73-17-15* (Supp. 2011).

Rule 3.9 Complaint Committee

A. Purpose

The Complaint Committee is formed to investigate complaints and disciplinary matters before the Board. This Committee shall:

- (1) Be selected from members of the Board on a rotating basis alphabetically by last name;
- (2) Review a complaint or investigative report; and
- (3) Participate in informal proceedings to resolve a formal complaint.

B. Composition

The Complaint Committee shall be composed of at least two (2) persons, including the Executive Director and the investigating Board member, who may be assisted by counsel to the Board.

C. Other Assistance

The Complaint Committee may retain the services of experts, consultants, investigators or other persons determined to be necessary to assist in the processing and investigation of the complaint.

Source: *Miss. Code Ann. Sections 73-17-7(2) and (4) and 73-17-9(e)* (Rev. 2008).

Rule 3.10 Appeals

Appeals shall be perfected in accordance with the applicable Statute.

Source: *Miss. Code Ann. Section 73-17-7(2)*(Rev. 2008); and *Miss. Code Ann. Sections 73-17-15(3) and (4)*(Supp. 2011).

Rule 3.11 Restoration and Reinstatement of Licenses

- A. A license may be restored after revocation by the Board upon submission of evidence satisfactory to the Board that the applicant for such restoration of license has met all requirements by the Board for being reinstated to active license.
- B. Upon such application for restoration of a license, the Board may grant the applicant a formal hearing.
- C. If a conviction be subsequently reversed on appeal and the accused acquitted or discharged, his or her license shall become active from the date of such acquittal or discharge.

Source: *Miss. Code Ann. Sections 73-17-7(2) and 73-17-9(a), (b) and (c)*(Rev.2008).