



**CALIFORNIA DEPARTMENT OF PUBLIC HEALTH
CENTER FOR HEALTH CARE QUALITY
LICENSING AND CERTIFICATION**

**NURSING HOME ADMINISTRATOR PROGRAM (NHAP)
ANNUAL WORK PLAN**

Fiscal Year 2010/11



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NURSING HOME ADMINISTRATOR PROGRAM ANNUAL WORK PLAN

MISSION

The mission of the Nursing Home Administrator Program (NHAP) is to protect the public by ensuring only qualified individuals are licensed and appropriate standards of competency are established and enforced.

VISION

To ensure that California nursing homes are managed by qualified professional Nursing Home Administrators (NHAs) who demonstrate responsibility for:

- Planning, directing and administering the day-to-day functions of a facility;
- Maintaining the facility's compliance with applicable laws, rules and regulations; and,
- Implementing written administrative, management, personnel, and patient care policies and procedures that govern the administration and management of facilities.

LEGISLATIVE REQUIREMENTS

The Budget Act of Fiscal Year (FY) 09/10 for the California Department of Public Health (CDPH) requires the CDPH to provide the fiscal and policy committee of each house of the Legislature by no later than January 15, 2010, a copy of the annual work plan for accomplishing the mandates set forth in the Nursing Home Administrator (NHA) Act.

OVERVIEW

The NHAP Annual Work Plan defines mandates, goals and objectives, required or mandated activities, resources needed, timeframes, and expected outcomes for the operation of the NHAP in FY 2010/11.

BACKGROUND

Program Background

The California State Board of Examiners of NHAs, within the California Department of Consumer Affairs (DCA), was eliminated on June 30, 1998. However, federal law based on the Social Security Act § 1908 [42 U.S.C. 1396g] required the State to continue to develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator. The federal law ensures that nursing home administrators are individuals with good character and are otherwise suitable, and who, by training or experience in the field of institutional administration are qualified to serve as a nursing home administrator. Title 42 Code of Federal Regulations (CFR) commencing with § 431.703 through 431.713 provides that the State has a program for licensing administrators of nursing homes. Title 42 CFR § 431.715 mandates that no Federal Financial Participation (FFP) is available in expenditures by the licensing board for establishing and maintaining standards for licensing of nursing home administrators.

On July 1, 1998, through an interagency agreement, DCA delegated the legislative and regulatory authority of the NHAP management, evaluation and planning to the CDPH, Licensing and Certification Program (L&C). Effective January 1, 2002, Assembly Bill (AB) 1409, Chapter 687, Statutes of 2001 added Health and Safety Code (HSC) § 1416 to the NHA Act, to permanently redirect the NHAP to the CDPH. HSC§ 1416.38 (c) authorizes the Nursing Home Administrator's State License Examining Fund in the State Treasury to be continuously appropriated to the NHAP for expenditures to defray the expenses and to carry out and enforce the provisions of the NHA Act.

The NHAP's role is to protect the public by ensuring only qualified individuals are licensed and appropriate standards of competency are established and directly correlate with the CDPH's mission. The L&C Program promotes the highest quality of medical care in facilities. Effective licensure requirements, timely investigations and appropriate actions against NHAs who fail to ensure the health and safety of the residents entrusted to them for care is essential to meeting this commitment to protect nursing home residents.

Redirecting NHAP to CDPH offered the opportunity for coordinated oversight of facilities and the NHAs who manage those facilities. The NHA Act identifies the authority of the NHAP, defines terms, and specifies licensing requirements (applicant's examination qualifications). The NHA Act also addresses fees, including but not limited to state and national examinations, and provides procedures for out-of-state NHA licensees to obtain a one-year provisional license. In addition, the NHA Act requires the NHAP to develop an Administrator-In-Training (AIT) program in consultation with representatives from the long-term care industry and advocacy groups and establishes a designated citation and administrative fine assessment system. The NHA Act also requires a NHA to notify the NHAP, in writing, upon the occurrence of specific acts affecting the administration of the nursing home, and makes it a misdemeanor to engage in certain subversive activities related to the administering of the NHA licensing examination.

AB 1409 (Chan), Chapter 687, Statutes of 2001

Assembly Bill 1409 Chapter 687, Statutes of 2001, resulted in the following workload:

- Administer state NHA examinations **four (4) times** per year instead of the **one (1) time** per year;
- Require reciprocity applicants to take and pass the state NHA examination prior to licensure. Prior to this bill, applicants did not need to take the state examination;
- Ensure a criminal background clearance has been completed prior to licensure of any individual;
- Provide notification to the Franchise Tax Board if an applicant does not provide a federal identification number or social security number;
- Ensure compliance with any judgment or order for support prior to issuance or renewal of a license;
- Ensure that applicants who have failed the state or national NHA examination three (3) times are provided with re-training prior to taking another examination;
- Develop a process to issue provisional licenses to allow out of state NHAs in good standing to immediately work in California prior to taking and passing the state NHA examination;
- Update/revise the state NHA exam, including the development of new examination questions for use in the exam bank;
- Develop and implement policies and procedures to evaluate the effectiveness of a preceptor's performance in the AIT program;
- Develop a system for the issuance of citations to licensees, examinees or participants of any program activity offered or approved by the NHAP;
- Receive timely notification of current home and mailing addresses of NHAs to the NHAP. Failure of the licensee to provide timely notice to program may result in a citation penalty issued by the program and;
- Develop and conduct training for NHAs who wish to become preceptors.

PROGRAM STAFF

The Program Staff resources dedicated to carrying out the NHAP Annual Work Plan consist of the following filled full-time positions:

- 1.0 Staff Services Manager (SSM) I;
- 3.0 Associate Governmental Program Analysts (AGPAs) and;
- 1.0 Staff Services Analyst.

This work plan, pursuant to the Budget Act of 09/10, identified in the following chart will identify goals and objectives, required activities, resources needed, timeframes, and expected outcomes that will result in the accomplishment of the defined mandates.

ANNUAL WORK PLAN

GOALS/OBJECTIVES	REQUIRED/MANDATED ACTIVITIES	MANDATE OR AUTHORITY	RESOURCES NEEDED	TIMEFRAMES	EXPECTED OUTCOMES
Meet all statutory requirements.	Plan, organize, direct and manage the day-to-day functions of the NHAP.	HSC§1416.10, 42 CFR §431.703 and 42 CFR §431.705	SSM I	Continuous; weekly report of program metrics will be reviewed by the Branch Chief. Deputy Director will closely monitor program performance and will be notified of any backlog.	Program will meet all mandates and report program metrics as requested. Backlog will be eliminated and actions taken to avoid reoccurrence of a backlog.
Meet statutory requirement.	Provide notification to the Franchise Tax Board if an applicant does not provide a federal identification number or social security number.	HSC§1416.28 (d)	SSM I	Ongoing as licenses are issued or renewed.	Notify Franchise Tax Board if an applicant fails to provide federal identification or social security number. Failure to provide information by applicant or NHA will result in their application or license not being processed and issued.
Meet statutory requirement.	Compliance with any judgment or order of support.	HSC§1416.30 (a)	AGPA/SSA	Ongoing as licenses are issued or renewed.	Comply with any judgment or order of support. Program will not issue or renew license if NHA or examinees have not complied.
Ensure qualified individuals who wish to become Nursing Home Administrators (NHAs) meet minimum qualifications and follow requirements to participate in Administrator-In-Training (AIT) program.	Review AIT Program approval process.	HSC§1416.55, HSC §1416.23 and 42 CFR §431.707(b)(3)	AGPA/Access Database	Ongoing as applications are received.	Process all AIT applications within 30 days of receipt if all documents required for processing are included with the application. Individuals who become NHAs meet minimum qualifications and follow all requirements to participate in AIT program.

GOALS/OBJECTIVES	REQUIRED/MANDATED ACTIVITIES	MANDATE OR AUTHORITY	RESOURCES NEEDED	TIMEFRAMES	EXPECTED OUTCOMES
Develop and implement procedures for determining if individual meets minimum standards to take state and national examinations.	Review and approve state and national examination applications.	HSC§1416.10 and 42 CFR §431.707(a)	AGPA	Ongoing as applications are received.	All individuals taking state and national examinations meet minimum qualifications. Process all state and national exam applications within 1 week after receipt from cashing.
Develop, impose, and enforce standards that applicants need to meet in order to receive a license.	Administering the Nursing Home Administrator state examination.	HSC§1416.10, HSC§1416.20 (b) 42 CFR §431.707, and 42 CFR §431.708	Two NHAP staff to proctor exam, exam sites, exam booklets, travel.	Quarterly	All licensed qualified NHAs meet standards for licensure. License qualified applicants within 2 weeks of passing examinations.
Provide exam results to each applicant.	Release the results (scores) of state and national exams.	HSC §1416.34(c)	AGPA	Release state exam results 4 times each year. On-going releases for national exam results are posted on National Association of Long Term Care Administrator Boards (NAB) website.	Each <u>state</u> exam applicant receives their results within 30 days after results are received from scoring agency. (This will be 60 days earlier than required by statute.) Each <u>national</u> exam applicant will receive their results within 30 days after results are posted on NAB website.
Ensure applicants are well trained and can pass the state and national examinations.	Ensure all applicants who failed state or national NHA examination 3 times are provided with re-training prior to taking another examination.	HSC§1416.34 (a) (3)	AGPA/SSA	Ongoing after 3 failures.	Applicants who fail state or national NHA examination 3 times are provided with re-training prior to taking another exam.
Ensure the relevancy of the NHA state examination.	Develop state NHA examination question bank.	HSC §1416.10 (b) HSC §1416.20 (a) and 42 CFR §431.708	AGPA, SSM I, outside vendor and NHAs.	Continuous	Monitor quarterly intent to complete development of new examination questions for use in exam question bank.

GOALS/OBJECTIVES	REQUIRED/MANDATED ACTIVITIES	MANDATE OR AUTHORITY	RESOURCES NEEDED	TIMEFRAMES	EXPECTED OUTCOMES
Develop workforce of well trained AITs who would then become well qualified NHAs. Intervene when any training issues appear.	Work with NHAs and Long Term Care associations to establish an AIT module.	HSC§1416.10	SSM I, AGPA/SSA, NHAs, and other Stakeholders	Quarterly	Continued collaboration with Long Term Care associations in establishing an AIT module which will assist in producing a workforce of well trained AITs and qualified NHAs.
Ensure successful training for participants of AIT Program.	Conduct Preceptor Training.	HSC §1416.57	SSM I, AGPA/ SSA, training sites, training materials, binders, travel funds, experienced NHAs who are certified preceptors.	Conducts training sessions in February and October of each year.	Train approximately 200-240 preceptors to become certified trainers for the AIT Program.
Ensure better trained AIT participants.	Create a system to evaluate preceptors based on assigned AIT examination success and failure history.	HSC§1416.57 (f) (2) (F)	AGPA/SSA	Quarterly	Suspend or revoke preceptor's certificate after 4 or more AITs have 3 failed attempts to pass the examination. System is established to evaluate preceptors based on assigned AIT examination success and failure history.
Sanction or suspend licensure of incompetent or abusive NHAs and/or preceptors.	Investigate allegations of abuse, theft, fraud, gross negligence, incompetence or any violation of state and federal laws or regulations received by the program against any NHA or any program participant.	HSC §1416.70-82, 42 CFR §431.708, and 42 CFR §431.712	AGPA travel and training in investigative techniques (initial and advance).	Ongoing as allegations are received. Investigations may take approximately 4-5 months each.	Initiate investigations of allegations against NHAs or program participants reported directly to the NHAP within 30-60 days of receipt of the allegation. All incompetent and abusive NHAs or preceptors are sanctioned, or have their license suspended or revoked.

GOALS/OBJECTIVES	REQUIRED/MANDATED ACTIVITIES	MANDATE OR AUTHORITY	RESOURCES NEEDED	TIMEFRAMES	EXPECTED OUTCOMES
Ensure facts are accurate and findings are clear to all involved during Administrative Hearings for NHAs.	Represent Program as investigator at Administrative Hearing for NHAs.	HSC§1416.82	AGPA	Ongoing as hearings are scheduled.	Accurate and clear investigative findings used in the administrative hearing process. Revoke, suspend or place on probation license of NHAs immediately following receipt the adopted decision.
Ensure statutory and regulatory compliance by the NHAs.	<p>Review, process, or investigate citations issued by CDPH, Licensing & Certification District Offices.</p> <p>Develop and maintain a citation tracking log in Access Database based on daily review of Electronic Licensing Management System (ELMS) data-base of citations and enforcement actions.</p> <p>Generate and submit report monthly to SSM I for review, tracking and follow-up.</p> <p>Review and enter from ELMS citations issued by the District Offices. Determine if remedial or disciplinary action against an administrator is warranted. Review ELMS daily.</p> <p>Initiate investigation within 30-60 days if disciplinary action is warranted.</p>	HSC §1416.12 and 42 CFR § 431.708	SSM I/AGPA/SSA	Ongoing as citations are issued.	<p>Statutory and regulatory compliance of NHAs. Remedial or disciplinary actions are taken as warranted.</p> <p>Continued implementation of policies and procedures that include an enhanced in-take and triage process that accurately identifies complaints and/or citations received which do not warrant a NHAP investigation.</p>

GOALS/OBJECTIVES	REQUIRED/MANDATED ACTIVITIES	MANDATE OR AUTHORITY	RESOURCES NEEDED	TIMEFRAMES	EXPECTED OUTCOMES
Assist in reducing backlog of cases.	Cases are investigated and closed promptly within 4-6 months. Ensure integrity of investigation by reviewing and recommending changes as necessary and providing feedback to investigator. Conduct at minimum weekly meetings with investigator and ad hoc meetings as needed. Conduct complex and sensitive investigations.	HSC § 1416.10, 42 CFR §431.708, and 42 CFR §431.712	SSM I	Ongoing	Backlog of cases requiring investigations are reduced and/or eliminated.
Meet statutory requirements for conducting informal hearings.	Conduct Informal Conference Hearings.	HSC §1416.72	SSM I/AGPA	Ongoing as Hearings are requested.	Informal conference hearings are conducted within 30 days after request for hearing.
Meet statutory deadlines.	Respond to Public Information Requests and Subpoenas for the NHAP	Public Records Act	SSM I	Ongoing as Public Information Request or Subpoenas are received.	Public information requests are responded to within 10 days of receipt. Subpoenas are responded to within 15 days prior to due date on subpoena.
Ensure only qualified NHAs are in workforce.	Review, approves or denies provisional license applicants.	HSC §1416.40 and 42 CFR §431.710	SSM I	Ongoing as applications are received.	Only qualified NHAs are in workforce. Provisional licenses are issued only to those who meet minimum qualifications.
Increase NHA workforce.	Issue license within 2-3 business days after approval.	HSC §1416.40 and 42 CFR §431.710	SSM I	Ongoing as applications are approved.	NHA workforce needs are met by issue provisional licenses to qualified NHAs with 2-3 business days after approval. Adequate NHA workforce available.
Develop and maintain a curriculum to qualify preceptors to provide training to AITs.	Work with NHAs and Long Term Care associations to redefine Preceptor Training. Program reviews and	HSC §1416.10	SSM I, AGPA/SSA, NHAs, and other Stakeholders	Completed February 2008 and updated continuously.	Updated curriculum available for preceptors to provide training to AITs. Curriculum updated annually.

GOALS/OBJECTIVES	REQUIRED/MANDATED ACTIVITIES	MANDATE OR AUTHORITY	RESOURCES NEEDED	TIMEFRAMES	EXPECTED OUTCOMES
	updates curriculum annually.				
Ensure trained and qualified preceptors.	Creates and maintains a system to evaluate preceptors based on examination success and failure history of AIT trainees. Suspend or revoke preceptor certificate after 4 or more AITs under Preceptor supervision have failed the state or national examination after 3 attempts.	HSC §1416.57(f)(2)(F)	AGPA/SSA	In process.	Only trained and qualified preceptors are allowed to precept AITs.
Ensure applicants or NHAs meet the rehabilitation requirements.	Ensure applicants or NHAs with convictions have met standards for rehabilitation otherwise license is denied, suspended, placed on probation or revoked.	HSC §1416.76	AGPA	Ongoing	Applicants or NHAs meet rehabilitation requirements as required.
Ensure NHAs and applicants are in compliance with state and/or federal statutes and regulations.	Issue NHAP citations	HSC §1416.70 (a)	AGPA/SSA	Ongoing	Increase compliance with all state and federal mandates.
Ensure criminal record clearance has been granted prior to issuing a license	Analyze criminal offender record information and determine if a criminal record clearance can be approved. A criminal record clearance is required before a license can be issued.	HSC§1416.26 (b)	AGPA/SSA	Ongoing as applicants have met qualifications to become licensed.	All NHA applicants are granted criminal record clearance prior to licensure. Timely notification to the applicant If criminal record clearance is denied.

GOALS/OBJECTIVES	REQUIRED/MANDATED ACTIVITIES	MANDATE OR AUTHORITY	RESOURCES NEEDED	TIMEFRAMES	EXPECTED OUTCOMES
Ensure all applicants meet minimum qualifications for licensure.	Issue license within 2 weeks after all requirements have been met	HSC §1416.10 (c) and 42 CFR §431.709	AGPA/SSA	Ongoing as applicants pass the NHA examinations.	Minimum qualifications for licensure are met. License issued within 2 weeks after all requirements are met.
Ensure NHAs' licenses are current.	Renew license	HSC§ 1416.42 (b)	AGPA/SSA	Ongoing as renewal notices are received from NHAs.	Licenses are renewed within 5 business days after receipt from cashiering.
Ensure current NHA employment information is on Program's database.	Maintain database of facility changes for NHAs. Enter information in database within 2-3 days after receipt.	HSC§ 1416.60	AGPA/SSA	Ongoing as changes are received from NHAs.	Program maintains current NHA employment information.
Ensure NHAs have viable Continuing Education Providers that will provide the needed continuing education courses.	Review and approve applications of individuals, agencies or corporations that wish to become Continuing Education Providers. Approve or deny applications within 5 business days after receipt from cashiering.	HSC§ 1416.50	AGPA/SSA	Ongoing as applications are received.	Individuals, agencies or corporations that wish to become Continuing Education Providers are approved or denied within 5 business days. Sufficient number of Continuing Education Providers.
Ensure NHAs have relevant approved courses to obtain or renew their license.	Review, approve or deny course approval requests from Continuing Education Providers within 10 business days from receipt from cashiering.	HSC§ 1416.50	AGPA/SSA	Ongoing as requests are received.	Relevant courses available for NHAs to renew their license.

MANDATED ACTIVITIES FOR NURSING HOME ADMINISTRATOR PROGRAM

Examination, Licensing, Approval Fees (In HSC§ 1416.36 (a) sequence)	Actual		Actual		Actual		Projected <u>a/</u>	
	Units FY 06/07	Backlog FY 06/07	Units FY 07/08	Backlog FY 07/08	Units FY 08/09	Backlog FY 08/09	Units FY 09/10	Backlog FY 09/10
	(1) Reviewing an Applicant's Eligibility to Take Examination	510	0	451	0	532	0	498
(2) Application Fee for Reciprocity	78	0	39	0	24	0	42	0
(3) Application Fee for AIT Program	124	0	143	0	116	0	102	0
(4A) Automated National Examination	0	0	0	0	0	0	0	0
(4B) Automated State Examination & Written State Examination	254	0	181	0	232	0	237	0
(5) Initial License	154	0	210	0	156	0	150	0
(6) Renewal of Active License (Biennial Fee) & Renewal of Inactive License (Biennial Fee)	921	0	815	0	1020	0	850	0
(7) Delinquency Fee for Renewal of Expired License	276	0	140	0	280	0	165	0
(8) Duplicate License	98	0	120	0	164	0	168	0
(9) Provisional License Fee	20	0	11	0	20	0	21	0
(10) Endorsement of Credentials to Another State	11	0	13	0	5	1	15	0
(11) Preceptor Certification Fee (Triennial Fee)	40	0	31	0	36	0	72	0
(12) Biennial Fee for Approval of Continuing Education Provider	264	0	194	0	184	0	297	0
(13) Biennial Fee for Approval of Continuing Education Course	78	0	59	0	20	0	75	0
Reciprocity State Examination (HSC§ 1416.40)	850	0	739	0	672	0	822	0
Fingerprint Fee (HSC§ 1416.26 (b))	30	0	23	0	24	1	42	0
Miscellaneous (Requests for various lists)	163	0	170	0	140	0	30	0
Complaints received directly by the NHAP against NHAs, examinees and other program participants	31	0	45	0	50	0	50	0
Program Issued Citations	10	7	3	2	27	14	18	8
District Office Issued Class AA and A Citations	103	0	52	0	174	0	174	0
*CDPH's District Office Citations Class AA	11	0	17	0	17	1	6	2
*CDPH's District Office Citations Class A	32	0	62	0	67	0	26	0

*Citations are reviewed by NHAP staff to determine if remedial or disciplinary action is necessary based on the NHA's involvement or culpability in the citation. Not all citations require an investigation by NHAP; however, NHAP must maintain all AA or trebled (3) A citations in one (1) calendar year with the same NHA in the NHA's file for five (5) years. In addition, NHAP must develop and maintain a NHAP citation log for all citations issued, including those citations that are not placed in the NHA's file.

a/ Projections are based on activities through October 2009.