

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 620 Department or Agency Alabama Board of Examiners of Nursing Home Administrators  
Rule No. 620-X-2-.01  
Rule Title: Definitions  
         New XXX Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

\*\*\*\*\*  
Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Matriona G. Magdon

Date 1/10/12

DATE FILED  
(STAMP)

**Alabama Board of Examiners of Nursing Home Administrators  
4156 Carmichael Road  
Montgomery, Alabama 36106**

**NOTICE OF INTENDED ACTION**

The Alabama Board of Examiners of Nursing Home Administrators intends to adopt amendments to its existing rules and regulations as follows:

<b><u>Rule No. &amp; Title:</u></b>	620-X-2-.01	Definitions
	620-X-5-.09	Temporary Management
	620-X-13-.01	Fees
	620-X-14-.01	Effective Date
	Appendix A Form 4	Application for Renewal of NHA License
	Appendix A Form 15	Application for Temporary Manager

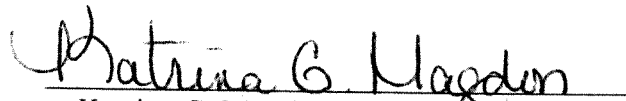
**Intended Action:** The Alabama Board of Examiners of Nursing Home Administrators proposes to amend the following rules: 620-X-2-.01, 620-X-13-.01, 620-X-14-.01, Appendix A – Form 4. The Alabama Board of Examiners of Nursing Home Administrators proposes to repeal the following rules: 620-X-5-.09 and Appendix A – Form 15.

**Substance of Proposed Action:** We are proposing to delete the definition of “Temporary Manager” and all references and forms thereof. The Board is proposing to add the social security number to the renewal form. The Board is also proposing to correct the misspelling of the word “recertification” and add clarification regarding the amount charged for a bad check return fee. The Board will also change the effective date of the rules.

**Time, Place, manner of Presenting Views:** Interested persons may present their views orally or in writing to the executive Secretary of the Alabama Board of Examiners of Nursing Home Administrators, 4156 Carmichael Road, Montgomery, Alabama 36106. Requests for copies of the proposed amendments should be addressed to Katrina G. Magdon, Executive Secretary (334) 271-2342 or can be viewed on the Board web site at [www.alboenha.state.al.us](http://www.alboenha.state.al.us).

**Final Date for Comment and Completion of Notice:** Deadline for comments is March 6, 2012.

**Contact Person at Agency:** Katrina G. Magdon, Executive Secretary, Alabama Board of Examiners of Nursing Home Administrators, 4156 Carmichael Road, Montgomery, Alabama, 36106, (334) 271-2342.

  
Katrina G. Magdon, Executive Secretary

## Chapter 2. General Definitions

### 620-X-2-.01 Definitions.

Whenever used in these rules and regulations, unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated.

(a) "Acting Administrator" means a person, other than a licensed nursing home administrator, who administers a nursing home immediately after the unexpected death, incapacitation, or resignation of the licensed nursing home administrator who was administering the nursing home.

(b) "Applicant" means one who has applied for and is fulfilling the requirements for licensure as a nursing home administrator.

(c) "Accredited College or University" means a college or university that appears in the accredited post secondary institution database by the United States Department of Education ([www.ope.ed.gov/accreditation/](http://www.ope.ed.gov/accreditation/)).

(d) "Board" means the Board of Examiners of Nursing Home Administrators of the State of Alabama.

(e) "Examiner" means a member of the Board of Examiners of Nursing Home Administrators of the State of Alabama.

(f) "Nursing Home" means any institution or facility defined as such for licensing purposes under the state law.

(g) "Nursing Home Administrator" means any individual who is charged with the general administration of a nursing home whether or not such individual has an ownership interest in such home, and whether or not his function and duties are shared with one or more other individuals.

(h) "Person" means an individual and does not include the term firm, corporation, association, partnership, institution, public body, joint stock association, or any other group of individuals.

(i) "Petty Traffic Offense" means any misdemeanor arising out of the operation of a motor vehicle except: driving while under the influence of liquors, narcotics, or hallucinating drugs; leaving the scene of an accident; and manslaughter resulting from the operation of a motor vehicle.

(j) "Practice of Nursing Home Administration" means the planning, organizing, directing, and control of the operation of a nursing home.

(k) "Secretary" means the Secretary of the Board of Examiners of Nursing Home Administrators of the State of Alabama.

~~(l) "Temporary Management" means the temporary appointment by HCFA or the State of a substitute facility manager or administrator with authority to hire, terminate or reassign staff, obligate facility funds, alter facility procedures, and manage the facility to correct deficiencies identified in the facility's operation.~~

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Statutory Authority: Code of Ala. 1975, §34-20-1

History: January 8, 1982; Filed September 30, 2982. Amended: Filed July 20, 1993; effective August 24, 1993. Amended: Filed June 14, 1996; effective July 19, 1996. Amended: Filed August 8, 2011; effective September 12, 2011. Amended: Filed January 10, 2012