

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 135 Department or Agency Board of Examiners of Assisted Living Administrators
Rule No. 135-X-7-.01 (13) and 135-X-7-.01 (10) (a) (b)
Rule Title: Licenses
New X 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? Yes, additional Fee

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? Yes

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 412223, Code of Alabama 1975.

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 Amey Findley, Executive Director

Date 6.19.15

(DATE FILED)
(STAMP)

APA-2
07/04

Board of Examiners of Assisted Living Administrators

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Examiners of Assisted Living Administrators

RULE NO. & TITLE: 135-X-7-.01 (13) and 135-X-7-.01 (10) (a) (b) – Licenses

INTENDED ACTION: Amend the above referenced rule

SUBSTANCE OF PROPOSED ACTION: Adding language to match the statute changes that will be eff September 1, 2015 by adding a replacement license fee of \$25.00 for stolen, lost or misplaced license cards.

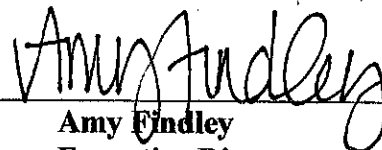
Adding the language “In this State” for Nursing Home Admins and Admin/Chief Exec Officer of an Acute Care Hospital as well as adding that they have to pay an annual administrative fee.

TIME, PLACE, MANNER OF PRESENTING VIEWS: The Board of Examiners of Assisted Living Administrators will hold a public hearing to hear written and oral comments from 11:00 am until 12:00 pm on August 5, 2015. The public hearing will be held in the conference room of the BOEALA Office, 2740 Zelda Road, Suite 3B, Montgomery, Alabama.

Notice - If you require special accommodations (wheel chair access) and would like to attend our Board Meetings, you MUST notify the BOEALA Office by calling (334) 271.2418 at least 10 days in advance of any meeting.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: The date for completion of notice is August 4, 2015.

CONTACT PERSON AT AGENCY: The contact person for the Board of Examiners of Assisted Living Administrators is: Amy Findley, Executive Director, 2740 Zelda Road, Suite 3B, Montgomery, AL 36106.



Amy Findley
Executive Director

**ALABAMA BOARD OF EXAMINERS OF ASSISTED LIVING
ADMINISTRATORS**

**CHAPTER 135-X-7
LICENSE INFORMATION**

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135-X-7-.01 Licenses.

(1) A provisional Category I Assisted Living Administrator license shall be issued to Board approved applicants who pass Section A of the Category I examination. This provisional license qualifies the licensee to temporarily administer an assisted living facility, as defined in Rule No. 135-X-2-.01 (e) of these Rules and Regulations, until the provisional license expires and becomes void nine (9) months from the date issued by the Board, or the provisional license becomes void upon the denial of an initial application. A provisional Category I licensee who completes the required classroom training as set forth in Rule No. 135-X-5-.01 (2)(a) of these Rules and Regulations and passes Section B of the Category I examination, shall be issued a Category I Assisted Living Administrator license. This license shall qualify the licensee to administer an assisted living facility and must be renewed annually.

(2) A provisional Category II Assisted Living Administrator license shall be issued to Board approved applicants who pass Section A of the Category II examination. This provisional license qualifies the licensee to temporarily administer an assisted living facility or a specialty care assisted living facility or a combination facility, as defined in Rule No. 135-X-2-.01 (e) and (o), until the provisional license expires and becomes void nine (9) months from the date issued by the Board, or the provisional license becomes void upon the denial of an initial application. A provisional Category II licensee who completes the required classroom training as set forth in Rule No. 135-X-5-.01 (2)(b) and passes Section B of the Category II examination, shall be issued a Category II Assisted Living Administrator license. This license shall qualify the licensee to administer an assisted living facility or a specialty care assisted living facility or a combination facility and must be renewed annually.

(3) Every individual who holds a valid current Category I or Category II Assisted Living Administrator license issued by the Board under this Chapter shall

immediately upon issuance have the right and privilege of acting and serving as an assisted living administrator and using the abbreviation "A.L.A." after their name. Thereafter, the individual shall annually be required to make application to the Board for a renewal of license and to report any facts requested by the board on forms provided for that purpose. All license renewals will be issued and are due on the last day of the month in which the license expires.

(4) Thirty (30) days prior to the renewal date of the license, the Board shall issue a letter and application for renewal of license to the licensee. Upon making an application for a renewal of license, the individual shall pay an annual fee as determined by the Board, and at the same time shall submit evidence satisfactory to the Board that during the year immediately preceding application for renewal, he or she has complied with the requirements of the Board concerning the continuing education of an assisted living administrator as provided in Rule No. 135-X-6-.01, paragraph (1) of these Rules and Regulations. The required continuing education hours must be completed by the renewal date of the license.

(a) Any person currently employed at an assisted living facility is authorized to apply for license renewal only if said facility that employs the licensee is licensed by the Alabama Department of Public Health.

(5) Upon receipt of the application for renewal of license, the renewal fee, and the evidence required with respect to continuing education, the Board shall issue a letter and renewal card to the assisted living administrator.

(6) Failure to secure an annual renewal of a license based on a failure to meet the continuing education requirements shall result in the expiration of the license. An expired license may not be "reactivated". All persons holding an expired license shall be required to submit a new application and follow all procedures for licensure of a new applicant. In addition, any applicant whose license has previously expired is subject to payment of a reapplication fee.

(7) A licensee who complies with the continuing education requirements but does not renew within ninety (90) days following its due date shall be deemed delinquent and may renew within the ninety (90) day period by paying a late renewal fee established by the Board. A license that is not renewed within the ninety (90) day period shall be deemed expired, and is subject to reapplication as provided in Rule No. 135-X-7-.01, paragraph (6) of these Rules and Regulations.

(8) A licensee who holds a current license and who is not practicing as an assisted living administrator may place that license into an "inactive status" upon written application to the Board. Any licensee whose license has been placed on inactive status may not engage in the practice of assisted living administration. A licensee whose license is on an inactive status who wishes to "reactivate" that license may do so by making application to the Board. The applicant shall attach proof of having completed twice the annual hours' requirement of approved continuing education credits, (twenty-

four (24) credits for Category I Assisted Living Administrator license and thirty-six (36) credits for Category II Assisted Living Administrator license, twelve (12) of which shall be on cognitive impairment and/or dementia care), within one year prior of making application for license reactivation, and shall pay a reactivation fee established by the Board. A licensee may not have his/her license in inactive status for more than five years. After five years in inactive status, the license automatically expires.

(9) Only an individual who has qualified as a licensed and registered assisted living administrator who holds a current license shall have the right and privilege of using the title "Assisted Living Administrator", and have the right and privilege of using the abbreviation "A.L.A." after their name. No other person shall use or shall be designated by such title or such abbreviation or any other works, letters, signs, cards, or device tending to or intended to indicate that such person is a licensed assisted living administrator.

(10) A person who has a license in good standing in this state, and continuously maintains such license, as a licensed nursing home administrator, or who is an administrator/chief executive officer of an acute care hospital, shall be exempt from the licensure requirement herein, if such person, at the time of application, has responsibility for administration of an assisted living facility subject to the following conditions:

(a) If the person wishes to be issued an assisted living administrator license, he/she shall pay an annual administrative fee as determined by the Board and document initially and annually thereafter the good standing of the nursing home administrator license or their continued employment as an administrator/chief executive officer of an acute care hospital.

(b) Any assisted living administrator license issued to a person who has a license in good standing in this state, and continuously maintains such license, as a licensed nursing home administrator or who is an administrator/chief executive officer of an acute care hospital and has responsibility for administration of an assisted living facility shall become void if the requisite nursing home administrator license becomes void or if the person no longer is the administrator/chief executive officer of a hospital.

(c) Any assisted living administrator license issued according to paragraph (9) of this Chapter shall become "inactive" as described in paragraph (7) of this Chapter if the licensee no longer has responsibility for administration of an assisted living facility. After twelve (12) months in "inactive" status, the assisted living administrator license shall expire and become void.

(d) If such person as described in paragraph (9) does not wish to be issued an assisted living administrator license, he/she shall initially and annually provide the Board documentation of the good standing of their nursing home administrator license or their continued employment as an administrator/chief executive officer of an acute care hospital.

(e) If such person according to paragraph (9)(d) of this Chapter is unable to provide documentation of the good standing of the nursing home administrator license or employment as an administrator/chief executive officer of an acute care hospital, and continues to have responsibility for administration of an assisted living facility, he/she shall be subject to the application for examination and licensure in Rule No. 135-X-5 of these Rules and Regulations; provided that such person shall not continue to manage an assisted living facility or specialty care assisted living facility unless he/she receives a license issued by this Board, or provides written evidence of good standing as a licensed nursing home administrator by the Board of Examiners of Nursing Home Administrators, or provides proof of employment as an administrator/chief executive officer of an acute care hospital.

(11) The Board shall maintain a file of all applications for licensure that includes the following information on each applicant: residence, name, age, the name and address of his/her employer or business connection, the date of application, educational and experience qualification, action taken by the Board, serial numbers of licenses issued to the applicant, and the date on which the Board acted on or reviewed the application.

(12) The Board shall maintain a list of current licensees of the Board, and shall furnish the list on demand to any person who pays a fee established by the Board. The State Department of Public Health and other state agencies with a direct need shall be provided copies at no cost.

(13) If an assisted living administrator's license card is stolen, lost or misplaced, a replacement license fee will be due to receive a new license card.

Author: Theresa Jordan.

Statutory Authority: Code of Ala. 1975, Section 34-2A-1-16.

History: New Rule Filed September 16, 2002. Amended: November 13, 2003. Amended: September 29, 2008. Amended May 22, 2009. Amended January 15, 2010. Amended July 9, 2010. Amended September 2015.

135-X-7--02 Refusal, Suspension, Revocation of License, and Disciplinary Proceedings.

(1) The license or the emergency permit of any person practicing or offering to practice assisted living administration may be revoked or suspended by the Board, or such person may be reprimanded, censured, or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of the following cases:

- (a) Upon proof that such person has violated any of the provisions of these rules and regulations, or the laws enacted in accordance therewith;
- (b) Upon proof that such person has acted in a manner deemed to be detrimental to the lives, health, safety, or welfare of the residents of any

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 135 – BOEALA

Rule No: 135-X-7-.01 (13)

Rule Title: Licenses

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

To replace lost, stolen or misplaced licensing cards

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE,
EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES
AND ACHIEVING THE SEATED PURPOSE:

The cost is passed on to the license.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN
THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE
IMPLEMENTED:

None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Licensing fees, application fees and other fees provide the revenue for the Board to operate and to implement new rules and regulations.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULES ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

It is a very minimal fee

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 135 – BOEALA

Rule No: 135-X-7-.01 (10) (a)

Rule Title: Licenses

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

To start collecting a renewal fee from Nursing Home Admins who hold a current Assisted Living License

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE SEATED PURPOSE:

The cost is passed on to the license.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

None

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Licensing fees, application fees and other fees provide the revenue for the Board to operate and to implement new rules and regulations.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULES ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The long-term economic impact of this rule is that applicants will have to pay this fee. The applicants will bear the cost of this increase. The board will benefit from the rule by additional revenue.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

None