

Notice of Proposed Rule

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NOS.: RULE TITLES:

64B10-15.001 Continuing Education for Licensure Renewal

64B10-15.002 Criteria for Approved Continuing Education

64B10-15.0021 Approved Providers

PURPOSE AND EFFECT: To update and clarify requirements regarding continuing education for licensure renewal, criteria for approved continuing education courses, and requirements for approved providers of continuing education.

SUMMARY: Update and clarify requirements regarding continuing education for licensure renewal, criteria for approved continuing education courses, and requirements for approved providers of continuing education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed amendments will clarify, streamline and reorganize existing rule provisions in a manner which will make the existing requirements easier to understand and apply, and same do not impose any significant new requirements; accordingly, they are expected to reduce regulatory costs and burdens on all entities. Since the expected impact is to reduce costs, no SERC or legislative ratification is needed.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.013(6),(7), 468.1685, (1), 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013, 468.1685(2), (5), 468.1715, (3), 468.1725 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, (850)245-4393

THE TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B10-15.001 follows. See Florida Administrative Code for present text.)

64B10-15.001 Continuing Education for Licensure Renewal.

(1) Every person licensed pursuant to Chapter 468, Part II, F.S. shall be required to obtain continuing education which contributes to increasing or enhancing the licensee's professional skill or which enables the licensee to keep abreast of changes that affect the field of nursing home administration.

(2) To satisfy the requirements of this rule, in each biennium a licensee shall have a minimum of forty (40) contact hours of continuing education credit. A contact hour shall consist of fifty (50) clock minutes. In any biennium:

(a) A licensee shall have a minimum of twenty (20) contact hours of continuing education credits that include personal attendance at a live presentation.

(b) A licensee is allowed a maximum of twenty (20) contact hours of continuing education credits for web-based, video or audio-transmitted, or on-line instruction programs that require the licensee to interact or communicate back and forth with the instructor during the presentation of the program.

(c) A licensee is allowed a maximum of ten (10) contact hours home-study continuing education credits. Home-study education is independent study and includes pre-recorded programs that were previously classified as live or interactive under paragraphs (2)(a) and (b). A validation form shall be signed by the vendor and licensee verifying the subject covered and total viewing time. Home-study courses must not exceed five (5) contact hours per subject.

(d) Beginning October 1, 2016, a licensee shall have a minimum of two (2) contact hours of continuing education on Florida laws and rules relating to the practice of Nursing Home Administration.

(e) A licensee shall complete two (2) contact hours of continuing education relating to the prevention of medical errors.

(3) Five contact hours of continuing education credit shall be granted for each college credit hour in the domains of practice specified in Rule 64B10-16.005, F.A.C. successfully completed during the biennium. The college transcript shall be accepted as proof of attendance.

(4) Administrator certification or re-certification by the American College of Health Care Administrators shall be accepted as satisfying the total continuing education requirement for license renewal for the biennium in which certification is completed. Verification of certification shall be accepted as proof of attendance.

(5) Any licensee who acts as a consultant to the Department of Health's Testing Services Unit shall be allowed five (5) contact hours of continuing education credit for that biennium.

(6) Any licensee who acts as a preceptor for an Administrator-in-Training and completes such preceptorship within any biennium shall be allowed ten (10) contact hours of continuing education credit for that biennium.

(7) Any licensee who acts as a preceptor for an internship and completes such preceptorship within any biennium shall be allowed five (5) contact hours of continuing education credit for that biennium.

(8) A licensee who attends a meeting of a national association involved in the establishment of standards of practice or the regulation of nursing home administrators may apply to the Board for continuing education credit. In order to receive approval, the licensee must submit a written statement to the Board within sixty (60) days of attendance or participation in said meeting, stating the name of the organization, dates of attendance, and a brief statement as to how attendance at the meeting contributed to the enhancement of the licensee's skills. The Board may approve up to five (5) contact hours of continuing education per year under this subsection.

(9) A licensee may obtain three (3) contact hours of continuing education credit by attending one (1) full day of a Board meeting in compliance with the following:

(a) The licensee must sign in with the Board staff before the meeting day begins.

(b) The licensee must remain in continuous attendance.

(c) The licensee must sign out with the Board staff at the end of the meeting.

(10) A licensee who serves as a volunteer expert witness for the department in a disciplinary case shall receive three (3) contact hours of continuing education credit.

(11) Former Board members who serve on probable cause panels shall receive three (3) contact hours of continuing education credit per meeting up to a maximum of twelve (12) contact hours of continuing education credit, for each full or partial biennium served on the probable cause panel.

(12) Any licensee presenting a continuing education course shall earn the same amount of contact hours as the course attendees up to a maximum of twelve (12) contact hours per biennium.

(13) Board members shall receive twelve (12) contact hours of continuing education credit for each full or partial biennium served on the Board.

Rulemaking Authority 456.013(6),(7), 468.1685(1), 468.1715(3) FS. Law Implemented 456.013(6), 468.1715(3) FS. History—New 12-11-80, Amended 2-20-83, 5-2-84, Formerly 21Z-15.01, Amended 12-31-86, 2-26-89, 11-19-91, Formerly 21Z-15.001, 61G12-15.001, Amended 9-4-96, 10-20-96, 7-21-97, Formerly 59T-15.001, Amended 5-15-00, 11-4-02, 5-7-06, 4-8-07, 10-24-07, 10-11-10, 8-8-13, 2-10-14, _____.

(Substantial rewording of Rule 64B10-15.002 follows. See Florida Administrative Code for present text.)

64B10-15.002 Criteria for Approved Continuing Education.

(1) To be eligible for credit toward the licensee's continuing education requirement, a course shall be designed to enhance the learning and promote the continued development of knowledge and skills of the individual licensee's professional practice.

(2) Continuing education will be approved for credit only if it is in one of the Domains of Practice as defined in Rule 64B10-16.005, F.A.C.

(3) The Board shall not accept credit for continuing education programs of less than 1 contact hour.

(4) Any subject matter dealing with internal affairs of an organization will not qualify for continuing education credit.

(5) Providers, and licensees who self-submit continuing education hours earned, shall identify the course type as described in Rule 64B10-15.001(2).

(6) Continuing education courses approved by the National Association of Boards of Examiners of Long Term Care Administrators are accepted as long as the course is demonstrated to meet the requirements of subsection (1), above, and Rule 64B10-16.005, F.A.C.

Rulemaking Authority 468.1685(1) FS. Law Implemented 456.013, 468.1685(2), 468.1715 FS. History—New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97, 12-2-02, 8-11-03, 8-9-04, 2-23-06, 10-24-07, 5-8-08, 1-7-10, 8-19-13,_____.

64B10-15.0021 Approved Providers.

(1) To become an approved a continuing education provider, the applicant shall submit an application for approval at least 120 days prior to presenting continuing education programs or courses. Continuing education offered prior to obtaining approved provider status shall not be granted credit.

(2) through (2)(b) No change.

(c) Domain(s) of Practice as defined in Rule 64B10-16.005, F.A.C.;

(d) through (e) No change.

(f) Curriculum vitae of the course speakers or instructors; ~~and~~

(g) Agenda; and

(h) No change.

(3) All approved continuing education providers shall provide to each licensee attending a course a certificate of attendance.

(4) Each ~~The~~ approved continuing education provider is ~~shall be~~ granted authority to offer ~~give~~ continuing education courses ~~and the board will conduct audits for cause and randomly during renewal of the continuing education programs.~~

(5) The Board shall deny continuing education provider status to any applicant who submits false, misleading or deceptive information or documentation to the Board or whose proposed sample program fails to comply with all ~~the~~ provisions of this Rule and Rule 64B10-15.002, F.A.C.

(6) A ~~The~~ licensee seeking approval ~~status~~ of a continuing education course ~~program~~ shall submit to the Board the following information:

(a) Documentation that the continuing education course complies with the provisions of ~~Compliance with the criteria or course contact specified in~~ paragraphs (2)(a)-(h) above and ~~Rule 64B10-15.002, F.A.C.,~~ and date and time the course was offered or completed ~~of each course;~~ or

(b) Submission of the course number if the program has ~~has~~ previously ~~has~~ been approved by the National Association of Long Term Care Administrator Boards (NAB) and has been determined to comply with the requirements of subsection 64B10-15.002(10).

Rulemaking ~~Specific~~ Authority 468.1685, 468.1725 FS. Law Implemented 456.1685(5), 468.1715, 468.1725 FS. History—New 2-20-83, Amended 7-31-84, Formerly 21Z-15.021, Amended 3-5-89, 3-15-90, Formerly 21Z-15.0021, 61G12-15.0021, 59T-15.0021, Amended 11-15-99, 8-9-04, 3-14-06, 3-17-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 15, 2015