

AMENDED IN ASSEMBLY JUNE 18, 2008

AMENDED IN SENATE APRIL 22, 2008

AMENDED IN SENATE MARCH 24, 2008

**SENATE BILL**

**No. 1268**

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**Introduced by Senator Denham**  
(Coauthor: Assembly Member Galgiani)

February 19, 2008

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An act to amend Sections 1416.22 and 1416.55 of, *and to add and repeal Section 1416.23 of*, the Health and Safety Code, relating to nursing home administrators.

LEGISLATIVE COUNSEL'S DIGEST

SB 1268, as amended, Denham. Nursing home administrators.

Existing law provides for the licensing of nursing home administrators by the State Department of Public Health. To become a nursing home administrator, an applicant must pass the nursing home administrator licensing examination.

Existing law requires, in order to take the examination, that minimum educational and experiential qualifications must be met.

This bill would permit the department, *until January 1, 2025*, and upon the request of an applicant who is a member of a recognized church or religious denomination whose *operate a faith-based skilled nursing facility and* teachings historically prohibit the acquisition of the formal education that would otherwise be required to take the licensing examination, to waive the licensing examination educational requirements for that applicant if he or she has completed a program-approved Administrator-in-Training Program (AIT Program).

~~Applicants~~ *An applicant* receiving this waiver would only be allowed

to oversee ~~currently licensed facilities~~ *a facility* that ~~are~~ *is* owned by the applicant’s church or religious denomination ~~and that remain in good standing with the department.~~

This bill would, *until January 1, 2025*, ~~permit an applicant who is a member of a recognized church or religious denomination whose teachings historically prohibit the acquisition of the formal education~~ *an applicant who qualifies for the above exemption* to request an educational ~~waivers~~ *waiver* for admission to the AIT program. ~~It would permit an applicant to apply for preapproval of a waiver before beginning the AIT Program.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1416.22 of the Health and Safety Code  
2 is amended to read:

3 1416.22. (a) To qualify for the licensing examination, an  
4 applicant must be at least 18 years of age, be a citizen of the United  
5 States or a legal resident, be of reputable and responsible character,  
6 demonstrate an ability to comply with this chapter, and comply  
7 with at least one of the following requirements:

8 (1) Have a master’s degree in nursing home administration or  
9 a related health administration field. The master’s program in  
10 which the degree was obtained must have included an internship  
11 or residency of at least 480 hours in a skilled nursing facility or  
12 intermediate care facility.

13 (2) (A) With regard to applicants who have a current valid  
14 license as a nursing home administrator in another state and apply  
15 for licensure in this state, meet the minimum education  
16 requirements that existed in this state at the time the applicant was  
17 originally licensed in the other state.

18 (B) The minimum education requirements that have existed in  
19 California are as follows:

20		
21	Prior to 7/1/73	None
22	From 7/1/73 to 6/30/74	30 semester units
23	From 7/1/74 to 6/30/75	45 semester units
24	From 7/1/75 to 6/30/80	60 semester units
25		

1 From 7/1/80 to ~~1/1/02~~ *present* Baccalaureate degree

2

3 (3) A doctorate degree in medicine ~~and~~, a current valid license  
4 as a physician and surgeon ~~with 10 years of recent work experience~~,  
5 and the completion of a program-approved AIT Program of at least  
6 1,000 hours.

7 (4) A baccalaureate degree, and the completion of a  
8 program-approved AIT Program of at least 1,000 hours.

9 (5) Ten years of recent full-time work experience, and a current  
10 license, as a licensed registered nurse, and the completion of a  
11 program-approved AIT Program of at least 1,000 hours. At least  
12 the most recent five years of the 10 years of work experience shall  
13 be in a supervisory or director of nursing position.

14 (6) Ten years of full-time work experience in any department  
15 of a skilled nursing facility, an intermediate care facility, or an  
16 intermediate care facility developmentally/disabled with at least  
17 60 semester units (or 90 quarter units) of college or university  
18 courses, and the completion of a program-approved AIT Program  
19 of at least 1,000 hours. At least the most recent five years of the  
20 10 years of work experience shall be in a position as a department  
21 manager.

22 (7) Ten years of full-time hospital administration experience in  
23 an acute care hospital with at least 60 semester units (or 90 quarter  
24 units) of college or university courses, and the completion of a  
25 program-approved AIT Program of at least 1,000 hours. At least  
26 the most recent five years of the 10 years of work experience shall  
27 be in a supervisory position.

28 *(b) An applicant for the licensing examination, until January*  
29 *1, 2025, may obtain from the department a waiver of the education*  
30 *requirements in subdivision (a) if they meet the requirements of*  
31 *Section 1416.23.*

32 ~~(8)~~

33 *(c) If the applicant and the preceptor provide compelling*  
34 *evidence that previous work experience of the applicant directly*  
35 *relates to nursing home administrator duties, the program may*  
36 *accept a waiver exception to a portion of the AIT program that*  
37 *requires 1,000 hours. An applicant seeking a waiver of the*  
38 *educational requirements pursuant to Section 1416.23 shall not*  
39 *be eligible for a waiver under this subdivision.*

40 ~~(b)~~

1 (d) The applicant shall submit an official transcript that  
2 evidences the completion of required college and university  
3 courses, degrees, or both. An applicant who applies for the  
4 licensing examination on the basis of work experience shall submit  
5 a declaration signed under penalty of perjury, verifying his or her  
6 work experience. This declaration shall be signed by a licensed  
7 nursing home administrator, physician and surgeon, chief of staff,  
8 director of nurses, or registered nurse who can attest to the  
9 applicant's work experience.

10 ~~(e) Upon request of an applicant who is a member of a~~  
11 ~~recognized church or religious denomination whose teachings~~  
12 ~~historically prohibit the acquisition of the formal education that~~  
13 ~~would otherwise be required to qualify for the licensing~~  
14 ~~examination, the department may issue a written waiver of the~~  
15 ~~licensing examination educational requirements for that applicant~~  
16 ~~if the applicant has completed a program-approved AIT Program~~  
17 ~~of at least 1,000 hours. If the educational requirements are waived~~  
18 ~~and the applicant is successful in passing the licensing examination,~~  
19 ~~the applicant may only serve as a nursing home administrator in~~  
20 ~~a currently licensed facility that is owned and operated by the~~  
21 ~~applicant's church or religious denomination and that remains in~~  
22 ~~good standing with the department. Prior to beginning a~~  
23 ~~program-approved AIT Program, the applicant may apply to the~~  
24 ~~department for preapproval of the waiver.~~

25 *SEC. 2. Section 1416.23 is added to the Health and Safety*  
26 *Code, to read:*

27 *1416.23. (a) Upon request of an applicant who is a member*  
28 *of a church or religious denomination, recognized by the Internal*  
29 *Revenue Service under Section 501(c)(3) of the Internal Revenue*  
30 *Code, that owns and operates a faith-based skilled nursing facility*  
31 *in California, and whose teachings historically prohibit the*  
32 *acquisition of the formal education that would otherwise be*  
33 *required to qualify for the AIT Program and the licensing*  
34 *examination, that applicant may seek an educational waiver. That*  
35 *applicant shall be required to possess at least an accredited high*  
36 *school diploma or proof of successfully passing a General*  
37 *Educational Development (GED) test of the American Council on*  
38 *Education or the California High School Proficiency Examination,*  
39 *as well as 10 years of full-time work experience in business, health,*  
40 *or rehabilitation fields, with at least five of the 10 years of work*

1 *experience in business, health, or rehabilitation management or*  
2 *administration.*

3 *(b) An applicant seeking an educational waiver pursuant to this*  
4 *section shall submit an official transcript that evidences graduation*  
5 *from an accredited high school, or proof of successfully passing*  
6 *a General Educational Development (GED) test of the American*  
7 *Council on Education or the California High School Proficiency*  
8 *Examination.*

9 *(c) (1) For purposes of this section, an “accredited high school*  
10 *diploma” means a high school diploma accredited by one of the*  
11 *following six recognized regional accreditation services in the*  
12 *United States:*

13 *(A) Middle States Association of Colleges and Schools –*  
14 *Educational institutions in New York, New Jersey, Pennsylvania,*  
15 *Delaware, Maryland, the District of Columbia, Puerto Rico, and*  
16 *the United States Virgin Islands, as well as schools for American*  
17 *children in Europe, North Africa, and the Middle East.*

18 *(B) New England Association of Schools and Colleges –*  
19 *Educational institutions in the six New England states*  
20 *(Connecticut, Maine, Massachusetts, New Hampshire, Rhode*  
21 *Island, and Vermont).*

22 *(C) North Central Association of Colleges and Schools –*  
23 *Educational institutions in Arkansas, Arizona, Colorado, Iowa,*  
24 *Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri,*  
25 *Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South*  
26 *Dakota, Wisconsin, West Virginia, and Wyoming.*

27 *(D) Northwest Association of Accredited Schools – Primary*  
28 *and secondary schools in Alaska, Idaho, Montana, Nevada,*  
29 *Oregon, Utah, and Washington.*

30 *(E) Western Association of Schools and Colleges – Educational*  
31 *institutions in American Samoa, California, Guam, Hawaii,*  
32 *Micronesia, Northern Marianas Islands, and Palau.*

33 *(F) Southern Association of Colleges and Schools – Educational*  
34 *institutions in Alabama, Florida, Georgia, Kentucky, Louisiana,*  
35 *Mississippi, North Carolina, South Carolina, Tennessee, Texas,*  
36 *and Virginia.*

37 *(2) If one or more of the regional accreditation services listed*  
38 *in paragraph (1) changes its official business name or no longer*  
39 *is a recognized accreditation service in the United States, the*

1 department shall designate an alternative recognized accreditation  
2 service.

3 (d) For purposes of this section, “formal education” means the  
4 hierarchically structured, chronologically graded education  
5 system, running from primary school through the university and  
6 including, in addition to general academic studies, a variety of  
7 specialized programs and institutions for full-time technical and  
8 professional training.

9 (e) The department may review the applicant’s church’s or  
10 religious denomination’s Internal Revenue Code 501 (c)(3)  
11 application, including attachments, the Internal Revenue Service’s  
12 Letter of Determination of tax-exempt status to the church or  
13 religious denomination, and the church’s or religious  
14 denomination’s bylaws, constitution, or member orientation  
15 information to confirm an applicant’s eligibility for the educational  
16 waiver. The applicant’s church or religious denomination shall  
17 provide the foregoing information to the department for its review  
18 and processing of the educational waiver application. The  
19 department shall accept notarized copies of these documents.

20 (f) If the educational requirements are waived, the applicant  
21 successfully completes the program-approved 1,000 hour AIT  
22 Program, and is successful in passing the national and state  
23 licensing examinations, the applicant may only serve as a nursing  
24 home administrator in a facility that is owned and operated by the  
25 applicant’s church or religious denomination.

26 (g) This section shall remain in effect only until January 1, 2025,  
27 and as of that date is repealed, unless a later enacted statute, that  
28 is enacted before January 1, 2025, deletes or extends that date.

29 ~~SEC. 2.~~

30 SEC. 3. Section 1416.55 of the Health and Safety Code is  
31 amended to read:

32 1416.55. (a) An Administrator-in-Training Program (AIT  
33 Program) shall be developed by the NHAP, in consultation with  
34 representatives from the long-term care industry and advocacy  
35 groups. The AIT Program shall include, but not be limited to, all  
36 of the following areas of instruction:

37 (1) Orientation.

38 (2) Administration and business office.

39 (3) State and federal regulations governing long-term care  
40 facilities.

- 1 (4) Residents' rights and abuse prevention.
- 2 (5) Staffing requirements and workforce retention.
- 3 (6) Nursing services.
- 4 (7) Resident activities.
- 5 (8) Resident care.
- 6 (9) Social services.
- 7 (10) Dietary management.
- 8 (11) Environmental care, including housekeeping, laundry, and
- 9 maintenance.
- 10 (12) Financial management.
- 11 (13) General management.
- 12 (14) Government regulations.
- 13 (15) Legal management.
- 14 (16) Personnel management and training.
- 15 (17) Consultants and contracts.
- 16 (18) Medical records.
- 17 (19) Public relations and marketing.
- 18 (b) A person who seeks to satisfy requirements for admission
- 19 to licensure examinations through participation in an AIT Program
- 20 shall first receive approval to begin the AIT Program. An applicant
- 21 shall successfully complete the AIT Program in a
- 22 program-approved facility under the coordination, supervision,
- 23 and teaching of a preceptor who has obtained certification from
- 24 the program and continues to meet the qualifications set forth in
- 25 the rules and regulations of the program.
- 26 (c) In order to be eligible for the AIT Program, an applicant
- 27 shall submit an application package on forms provided by the
- 28 NHAP, and pay the applicable fees established by this chapter.
- 29 The applicant shall be at least 18 years of age.
- 30 (d) In addition to the requirements in subdivision (c), the
- 31 applicant shall meet one or a combination of the following
- 32 requirements to be eligible for the AIT Program:
- 33 (1) A doctorate degree in medicine and a current valid license
- 34 as a physician and surgeon ~~with at least 10 years of recent work~~
- 35 ~~experience.~~
- 36 (2) A baccalaureate degree.
- 37 (3) Ten years of full-time work experience and a current valid
- 38 license as a registered nurse. At least the most recent five years of
- 39 the 10 years of work experience shall be in a supervisory or director
- 40 of nursing position.

1 (4) Ten years of full-time work experience in any department  
 2 of a skilled nursing facility, an intermediate care facility, or an  
 3 intermediate care facility/developmentally disabled with at least  
 4 60 semester units (or 90 quarter units) of college or university  
 5 courses. At least the most recent five years of the 10 years of work  
 6 experience shall be in a position as a department manager.

7 (5) Ten years of full-time hospital administration experience in  
 8 an acute care hospital with at least 60 semester units (or 90 quarter  
 9 units) of college or university courses. At least the most recent  
 10 five years of the 10 years of work experience shall be in a  
 11 supervisory position.

12 (e) *An applicant for the AIT Program, until January 1, 2025,*  
 13 *may obtain from the department a waiver of the education*  
 14 *requirements in subdivision (d) if he or she meets the requirements*  
 15 *of Section 1416.23.*

16 (e)

17 (f) The applicant shall submit an official transcript that evidences  
 18 the completion of required college or university courses, degrees,  
 19 or both. An applicant who is a member of a recognized church or  
 20 religious denomination whose teachings historically prohibit the  
 21 acquisition of the formal education that would otherwise be  
 22 required to qualify the applicant for the AIT Program may request  
 23 a written waiver of the education requirements from the  
 24 department.

25 (f)

26 (g) An applicant who qualifies for the AIT Program on the basis  
 27 of work experience shall submit a declaration signed under penalty  
 28 of perjury verifying his or her work experience. This declaration  
 29 shall be signed by a licensed nursing home administrator, physician  
 30 and surgeon, chief of staff, director of nurses, or registered nurse  
 31 who can attest to the applicant’s work experience.

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