

AMENDED IN ASSEMBLY AUGUST 4, 2008

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~~ ~~repeat~~ Section 1416.23 ~~of to~~, 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~~ *that operates* a faith-based skilled nursing facility and ~~teachings~~ historically ~~prohibit~~ *prohibits* the acquisition of the formal education that would otherwise be required *for the applicant* 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). An applicant receiving this waiver would only be allowed to oversee a facility that is owned by the applicant’s church or religious denomination.

This bill would, ~~until January 1, 2025~~, also permit an applicant who qualifies for the above exemption to request an educational waiver for admission to 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	From 7/1/80 to present	Baccalaureate degree
26		

27 (3) A doctorate degree in medicine, a current valid license as a  
28 physician and surgeon, and the completion of a program-approved  
29 AIT Program of at least 1,000 hours.

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

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

8 (6) Ten years of full-time work experience in any department  
9 of a skilled nursing facility, an intermediate care facility, or an  
10 intermediate care facility developmentally/disabled with at least  
11 60 semester units (or 90 quarter units) of college or university  
12 courses, and the completion of a program-approved AIT Program  
13 of at least 1,000 hours. At least the most recent five years of the  
14 10 years of work experience shall be in a position as a department  
15 manager.

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

22 (b) An applicant for the licensing examination, ~~until January 1,~~  
23 ~~2025,~~ may obtain from the department a waiver of the education  
24 requirements in subdivision (a) if they meet the requirements of  
25 Section 1416.23.

26 (c) If the applicant and the preceptor provide compelling  
27 evidence that previous work experience of the applicant directly  
28 relates to nursing home administrator duties, the program may  
29 accept a waiver exception to a portion of the AIT ~~program~~ *Program*  
30 that requires 1,000 hours. An applicant seeking a waiver of the  
31 educational requirements pursuant to Section 1416.23 shall not be  
32 eligible for a waiver under this subdivision.

33 (d) The applicant shall submit an official transcript that  
34 evidences the completion of required college and university  
35 courses, degrees, or both. An applicant who applies for the  
36 licensing examination on the basis of work experience shall submit  
37 a declaration signed under penalty of perjury, verifying his or her  
38 work experience. This declaration shall be signed by a licensed  
39 nursing home administrator, physician and surgeon, chief of staff,

1 director of nurses, or registered nurse who can attest to the  
2 applicant’s work experience.

3 SEC. 2. Section 1416.23 is added to the Health and Safety  
4 Code, to read:

5 1416.23. (a) Upon request of an applicant who is a member  
6 of a church or religious denomination, recognized by the Internal  
7 Revenue Service under Section 501(c)(3) of the Internal Revenue  
8 Code, that owns and operates a faith-based skilled nursing facility  
9 in California, and whose teachings historically prohibit the  
10 acquisition of the formal education that would otherwise be  
11 required to qualify for the AIT Program and the licensing  
12 examination, that applicant may seek an educational waiver. That  
13 applicant shall be required to possess at least an accredited high  
14 school diploma or proof of successfully passing a General  
15 Educational Development (GED) test of the American Council on  
16 Education or the California High School Proficiency Examination,  
17 as well as 10 years of full-time work experience in business, health,  
18 or rehabilitation fields, with at least five of the 10 years of work  
19 experience in business, health, or rehabilitation management or  
20 administration.

21 ~~(b) An applicant seeking an educational waiver pursuant to this~~  
22 ~~section shall submit an official transcript that evidences graduation~~  
23 ~~from an accredited high school, or proof of successfully passing~~  
24 ~~a General Educational Development (GED) test of the American~~  
25 ~~Council on Education or the California High School Proficiency~~  
26 ~~Examination.~~

27 ~~(e) (1) For purposes of this section, an “accredited high school~~  
28 ~~diploma” means a high school diploma accredited by one of the~~  
29 ~~following six recognized regional accreditation services in the~~  
30 ~~United States:~~

31 ~~(A) Middle States Association of Colleges and Schools—~~  
32 ~~Educational institutions in New York, New Jersey, Pennsylvania,~~  
33 ~~Delaware, Maryland, the District of Columbia, Puerto Rico, and~~  
34 ~~the United States Virgin Islands, as well as schools for American~~  
35 ~~children in Europe, North Africa, and the Middle East.~~

36 ~~(B) New England Association of Schools and Colleges—~~  
37 ~~Educational institutions in the six New England states (Connecticut,~~  
38 ~~Maine, Massachusetts, New Hampshire, Rhode Island, and~~  
39 ~~Vermont).~~

1 ~~(C) North Central Association of Colleges and Schools—~~  
2 ~~Educational institutions in Arkansas, Arizona, Colorado, Iowa,~~  
3 ~~Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri,~~  
4 ~~Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South~~  
5 ~~Dakota, Wisconsin, West Virginia, and Wyoming.~~

6 ~~(D) Northwest Association of Accredited Schools— Primary~~  
7 ~~and secondary schools in Alaska, Idaho, Montana, Nevada, Oregon,~~  
8 ~~Utah, and Washington.~~

9 ~~(E) Western Association of Schools and Colleges— Educational~~  
10 ~~institutions in American Samoa, California, Guam, Hawaii,~~  
11 ~~Micronesia, Northern Marianas Islands, and Palau.~~

12 ~~(F) Southern Association of Colleges and Schools— Educational~~  
13 ~~institutions in Alabama, Florida, Georgia, Kentucky, Louisiana,~~  
14 ~~Mississippi, North Carolina, South Carolina, Tennessee, Texas,~~  
15 ~~and Virginia.~~

16 ~~(2) If one or more of the regional accreditation services listed~~  
17 ~~in paragraph (1) changes its official business name or no longer~~  
18 ~~is a recognized accreditation service in the United States, the~~  
19 ~~department shall designate an alternative recognized accreditation~~  
20 ~~service.~~

21 ~~(d) For purposes of this section, “formal education” means the~~  
22 ~~hierarchically structured, chronologically graded education system,~~  
23 ~~running from primary school through the university and including,~~  
24 ~~in addition to general academic studies, a variety of specialized~~  
25 ~~programs and institutions for full-time technical and professional~~  
26 ~~training.~~

27 ~~(e)~~

28 ~~(b) The department may review the applicant’s church’s or~~  
29 ~~religious denomination’s Internal Revenue Code 501(c)(3)~~  
30 ~~application, including attachments, the Internal Revenue Service’s~~  
31 ~~Letter of Determination of tax-exempt status to the church or~~  
32 ~~religious denomination, and the church’s or religious~~  
33 ~~denomination’s bylaws, constitution, or member orientation~~  
34 ~~information to confirm an applicant’s eligibility for the educational~~  
35 ~~waiver. The applicant’s church or religious denomination shall~~  
36 ~~provide the foregoing information to the department for its review~~  
37 ~~and processing of the educational waiver application. The~~  
38 ~~department shall accept notarized copies of these documents.~~

39 ~~(f)~~

1 (c) If the educational requirements are waived, the applicant  
 2 successfully completes the program-approved 1,000 hour AIT  
 3 Program, and is successful in passing the national and state  
 4 licensing examinations, the applicant may only serve as a nursing  
 5 home administrator in a facility that is owned and operated by the  
 6 applicant’s church or religious denomination.

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

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

12 1416.55. (a) An Administrator-in-Training Program (AIT  
 13 Program) shall be developed by the NHAP, in consultation with  
 14 representatives from the long-term care industry and advocacy  
 15 groups. The AIT Program shall include, but not be limited to, all  
 16 of the following areas of instruction:

- 17 (1) Orientation.
- 18 (2) Administration and business office.
- 19 (3) State and federal regulations governing long-term care  
 20 facilities.
- 21 (4) Residents’ rights and abuse prevention.
- 22 (5) Staffing requirements and workforce retention.
- 23 (6) Nursing services.
- 24 (7) Resident activities.
- 25 (8) Resident care.
- 26 (9) Social services.
- 27 (10) Dietary management.
- 28 (11) Environmental care, including housekeeping, laundry, and  
 29 maintenance.
- 30 (12) Financial management.
- 31 (13) General management.
- 32 (14) Government regulations.
- 33 (15) Legal management.
- 34 (16) Personnel management and training.
- 35 (17) Consultants and contracts.
- 36 (18) Medical records.
- 37 (19) Public relations and marketing.

38 (b) A person who seeks to satisfy requirements for admission  
 39 to licensure examinations through participation in an AIT Program  
 40 shall first receive approval to begin the AIT Program. An applicant

1 shall successfully complete the AIT Program in a  
2 program-approved facility under the coordination, supervision,  
3 and teaching of a preceptor who has obtained certification from  
4 the program and continues to meet the qualifications set forth in  
5 the rules and regulations of the program.

6 (c) In order to be eligible for the AIT Program, an applicant  
7 shall submit an application package on forms provided by the  
8 NHAP, and pay the applicable fees established by this chapter.  
9 The applicant shall be at least 18 years of age.

10 (d) In addition to the requirements in subdivision (c), the  
11 applicant shall meet one or a combination of the following  
12 requirements to be eligible for the AIT Program:

13 (1) A doctorate degree in medicine and a current valid license  
14 as a physician and surgeon.

15 (2) A baccalaureate degree.

16 (3) Ten years of full-time work experience and a current valid  
17 license as a registered nurse. At least the most recent five years of  
18 the 10 years of work experience shall be in a supervisory or director  
19 of nursing position.

20 (4) Ten years of full-time work experience in any department  
21 of a skilled nursing facility, an intermediate care facility, or an  
22 intermediate care facility/developmentally disabled with at least  
23 60 semester units (or 90 quarter units) of college or university  
24 courses. At least the most recent five years of the 10 years of work  
25 experience shall be in a position as a department manager.

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

31 (e) An applicant for the AIT Program, ~~until January 1, 2025,~~  
32 may obtain from the department a waiver of the education  
33 requirements in subdivision (d) if he or she meets the requirements  
34 of Section 1416.23.

35 (f) The applicant shall submit an official transcript that evidences  
36 the completion of required college or university courses, degrees,  
37 or both. An applicant who is a member of a recognized church or  
38 religious denomination whose teachings historically prohibit the  
39 acquisition of the formal education that would otherwise be  
40 required to qualify the applicant for the AIT Program may request

1 a written waiver of the education requirements from the  
2 department.

3 (g) An applicant who qualifies for the AIT Program on the basis  
4 of work experience shall submit a declaration signed under penalty  
5 of perjury verifying his or her work experience. This declaration  
6 shall be signed by a licensed nursing home administrator, physician  
7 and surgeon, chief of staff, director of nurses, or registered nurse  
8 who can attest to the applicant's work experience.

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