



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health- Board of Nursing Home Administrators

- Preproposal Statement of Inquiry was filed as WSR 11-19-012 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

WAC 246-843-010, General definitions and WAC 246-843-205, Standards of conduct for nursing home administrators. Amending the rules to clarify that standards for nursing home administrators do not change even when a licensed nursing facility converts some of its beds to assisted living beds.

**Hearing location(s):** Department of Health  
Point Plaza East - Room 153  
310 Israel Rd SE  
Tumwater, WA 98501

Date: May 4, 2012

Time: 11:00 a.m.

**Submit written comments to:**

Name: Kendra Pitzler  
Address: PO Box 47864  
Olympia, WA 98504-7864  
Website: <http://www3.doh.wa.gov/policyreview/>  
fax (360) 236-2901 by (date) 04/27/2012

**Assistance for persons with disabilities:** Contact

Kendra Pitzler by 04/20/2012

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 05/04/2012

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Legislation (ESSB5708) passed in 2011 requires the board to adopt rules defining an on-site full-time administrator in nursing homes with small resident populations when the nursing home has converted some of its licensed nursing facility bed capacity for use as assisted living or enhanced assisted living services under chapter 74.39A RCW. The proposed rule allows a nursing home administrator to also be the administrator of the assisted living facility when one facility has both types of beds. The proposal add this type of facility to the current definition.

**Reasons supporting proposal:**

The proposed rule is required by ESSB5708. The proposed rule ensures that a nursing home administrator who is the administrator of a nursing home that has both nursing home and assisted living beds understands the amount of time he or she is required to spend in the nursing home administrator role.

**Statutory authority for adoption:**

ESSB5708, RCW 18.52.030

**Statute being implemented:**

RCW 18.52.030

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE** 03/05/12

**NAME** (type or print)

Blake Maresh

**SIGNATURE**

**TITLE**

Executive Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** March 05, 2012

**TIME:** 3:49 PM

**WSR 12-06-061**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Board of Nursing Home Administrators

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Kendra Pitzler	310 Israel Rd SE, Tumwater, WA, 98501	(360) 236-4723
Implementation....Kendra Pitzler	310 Israel Rd SE, Tumwater, WA, 98501	(360) 236-4723
Enforcement.....Kendra Pitzler	310 Israel Rd SE, Tumwater, WA 98501	(360) 236-4723

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. The proposed rule does not qualify as a significant legislative rule because it does not adopt substantive provisions of the law. The amendments simply provide clarification and do not change the existing standards.

AMENDATORY SECTION (Amending WSR 00-01-071, filed 12/13/99, effective 1/13/00)

**WAC 246-843-010 General definitions.** Terms used in these rules have the following meanings:

(1) "On-site, full-time administrator" is an individual in active administrative charge of one nursing home facility or collocated facilities, as licensed under chapter 18.51 RCW, a minimum of four days and an average of forty hours per week. (~~Exception:~~) An "on-site, full-time administrator" in nursing homes with small resident populations, ((or)) in rural areas, or in nursing homes with small resident populations when the nursing home has converted some of its licensed nursing facility bed capacity for use as assisted living or enhanced assisted living services under chapter 74.39A RCW is an individual in active administrative charge of one nursing home facility, or collocated facilities, as licensed under chapter 18.51 RCW:

(a) A minimum of four days and an average of twenty hours per week at facilities with one to thirty nursing home beds; or

(b) A minimum of four days and an average of thirty hours per week at facilities with thirty-one to forty-nine nursing home beds.

(2) "Active administrative charge" is direct participation in the operating concerns of a nursing home. Operating concerns include, but are not limited to, interaction with staff and residents, liaison with the community, liaison with regulatory agencies, pertinent business and financial responsibilities, planning and other activities as identified in the most current job analysis published by the National Association of Boards of Examiners for Long-Term Care Administrators.

(3) "Person" means an individual and does not include the terms firm, corporation, institutions, public bodies, joint stock associations, and other such entities.

(4) "Nursing home administrator-in-training" means an individual in an administrator-in-training program approved by the board.

(5) "Secretary" means the secretary of the department of health or the secretary's designee.

(6) "Collocated facilities" means more than one licensed nursing facility situated on a contiguous or adjacent property, whether or not there are intersecting streets. Other criteria to qualify as a collocated facility would be determined by the nursing home licensing agency under chapter 18.51 RCW.

(7) "Recognized institution of higher learning" means an accredited degree granting institution in the United States or outside the United States that is listed in the directory of accredited institutions of postsecondary education published by the American Council on Education.

AMENDATORY SECTION (Amending WSR 00-01-067, filed 12/13/99, effective 1/13/00)

**WAC 246-843-205 Standards of conduct.** Licensed nursing home administrators shall be on-site full time as defined in WAC 246-843-010(1) and in active administrative charge of the licensed nursing home, as licensed under chapter 18.51 RCW, in which they have consented to serve as administrator.