WHO ARE THE REGULATORS?

- **Department of Social and Health Services (DSHS)** – Regulates Skilled Nursing Facilities. Performs Surveys.

- **Department of Health (DOH)** – DOH Health Systems Quality Assurance Division regulates and supports more than 404,000 health professionals in 83 health professions and 7,000 health groups and programs. This includes licensure of nursing home administrators.

- **Board of Nursing Home Administrators** – Regulates Nursing Home Administrators through adopting minimum qualifications for licensure, approving the licensure examination, and assuring licensure requirements are met. Also has disciplinary authority over nursing home administrator licenses.
Board Membership

• Consists of four Nursing Home Administrators, four health care professionals or educators and one public member. Members serve a 5 year term and can serve two successive terms.
• Names and terms of current board members can be found on the DOH nursing home administrator web-site.
• The board is required to have at least four meetings per year. These meetings are normally the first Friday in February, May, August and November.
• Anyone interested in applying to be a member of the board and do so on the Governor’s web-page.
• Continuing education credit of a maximum of two hours per month may be granted for serving as a board member.

Board Authority

• Licensure minimum requirements and renewal
• Rules
• Discipline & Enforcement
Qualification of Licensees

• Baccalaureate degree is required by law. Can’t be changed by the Board.
• The law requires the Board adopt a practical experience requirement.
• The Administrator-in-Training is a 1,500 hour program but can be reduced or exempted based on education and experience.
• NAB approved college programs exempt applicants from the AIT program. Eastern Washington University now has a program they are submitting for approval.

Recognition of Out-of-State Licenses

• The law allows licensure of administrators who hold a license in another state if the standards for licensure in the other state is substantially equivalent to standards in Washington State.
• NHA standards greatly vary between the states. A list of substantially equivalent states – and those that are not substantially equivalent is found in the application packet.
Continuing Education

• Administrators must have 36 hours of continuing education every two years. Renewal notices have your CE due date.
• Continuing education does not need approval but must meet requirements in WAC 246-843-130.
• If audited, you must submit documentation that you have completed 36 hours that meet CE requirements.
• All CE approved by NAB NCERS meets CE requirements.
• The Board has approved training in cultural diversity and suicide prevention, subject encouraged by DOH.
• Continuing education credit of two hours per month may be granted to a preceptor of an administrator-in-training program.

COMPLAINT RESOLUTION
Agenda

• Big Picture
• Investigation
• Discipline & Enforcement

BIG PICTURE
Disciplining Authority Actors
Board of Nursing Home Administrators

Licensee Member(s) of the Board

Public Member(s) of the Board/Commission

Investigator (Office of Investigation and Inspection)

Case Manager (Office of Investigation and Inspection)

Supervising Staff Attorney (Office of Legal Services)

Attorney General’s Office/AGs

Disciplinary Process

Complaint Intake

Close Case → Case Assessment → Investigation → Case Disposition

Close Case

Legal Action/Adjudication

Pre-Hearing → Hearing → Post-Hearing → Monitoring

Settlement attempt

Not Settled → Settled

Not Comply → Comply
INVESTIGATION

Reports

Washington State Department of Social & Health Services
Transforming lives
Referral to the Office of Investigations and Inspections a.k.a “assessment”

- Report
- Assessed by Board
- Investigation Authorized
- Case Closed

Finished Investigation a.k.a “case disposition”

- Investigation Complete
- Reviewed by Board Member/Staff Attorney
- Presented to a Panel of the Board
Timelines

- Initial Assessment – 21 days
  - WAC 246-14-040
- Investigation of Complaints – 170 days
  - WAC 246-14-050
- Case Disposition – 140 days
  - WAC 246-14-060
- Adjudication of SOCs – 180 days
  - WAC 246-14-090

DISCIPLINE & ENFORCEMENT
Laws and Rules for Professions

- Each profession has enabling statutes that empower the Secretary or Board/Commission to regulate that profession. (RCW 18.52.061)
- Each profession has a practice act that defines the profession and requires a person to obtain a license to practice that profession. (RCW 18.130.040(2)(b)(v); RCW 18.52.020; RCW 18.52.030; RCW 18.130.050)
- Each profession has rules that further define and help regulate what licensees can do. (Chapter 246-843 WAC)
- Uniform Disciplinary Act (Chapter 18.130 RCW)

Types of Legal Action

- Notice of Decision
- Notice of Correction
- Statement of Allegations
- Statement of Charges
- Summary Action
SANCTIONS

- Sanction schedules identify the severity & duration of sanction (WAC 246-16-800 to 890)

<table>
<thead>
<tr>
<th>Practice Below Standard of Care</th>
<th>Sanction Range</th>
<th>Duration</th>
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<tbody>
<tr>
<td>Violation A: Caused severe harm or death to a patient</td>
<td>Conditional fee, training, monitoring, supervision, probation, exclusion, etc.</td>
<td>0-3 years</td>
</tr>
<tr>
<td>Violation B: Caused moderate-potential harm or risk of moderate-to-severe patient harm</td>
<td>Oversight for 2 years which may include supervision, probation, exit interview, training, monitoring, supervision, probation, exclusion, etc.</td>
<td>2 years - 3 years + early revocation</td>
</tr>
<tr>
<td>Violation C: Caused severe harm or death to a patient, or at least a severe patient harm</td>
<td>Oversight for 2 years which may include supervision, probation, exclusion, etc. in addition to completion or knowledge or competency</td>
<td>Permanent - permanent</td>
</tr>
</tbody>
</table>

SANCTIONS

- Revocation
- Suspension
- Probation
- Fine
- Cost Recovery
- Continuing Education
- Provision of Inspection Reports
- Substance abuse monitoring
COMPLAINT DATA:

- Approximately 411,000 health related professionals credentialed by Department of Health.
- Approximately 440 are licensed nursing home administrators.
- For the 2013-15 biennium, the Department of Health received approximately 20,000 complaints regarding credentialed healthcare providers.
- In 2015, 129 complaints were filed against nursing home administrators. In 2016, there were 156 complaints filed. This is almost double the number of complaints filed against nursing home administrators for each of the two years prior to the time-frame.

This chart shows the growth in nursing home administrators complaints from 2009 through 2016.
RCW 18.52.010
Nursing Home Administrator Law Intent

The Legislature found:
• Quality patient care in nursing homes is directly related to competence of Nursing Home Administrators (NHA’s.)

The Legislature, therefore, adopted law to establish & enforce standards for NHA’s, including maintaining:
• Suitable character
• Capacity to consider available resources/personnel and come to reasonable decisions to implement patient care.

Nursing Home Administrators Need to Pay Attention

• Health care professionals who supervise other personnel can have action taken on their license if they do not properly supervise.
• License nursing home administrators may be more vulnerable to having disciplinary action against their license for the conduct of others because they are responsible for all staff in the nursing home.
• In summary, it is the boards responsibility to ensure that all complaints received are reviewed against the standard of practice of nursing home administrators as they provide quality care in a safe and clean environment.
CASE 1 – Sexual Contact by Unsupervised Resident

Overview:

• DSHS Survey findings that the facility failed to implement policies and procedures to protect female residents residing in dementia unit from sexual abuse.
• Male resident had a change in behavior resulting in him pursuing sexual contact with a female resident.
• Facility failed to identify his behavior as potential abuse and implement effective interventions to prevent further contact.
• Male resident sexually abused two other residents.
• Facility failed to report incidents.

Case 1 (continued)

Deliberation:

• The Board opened a complaint and investigated.
• The Board found evidence supporting disciplinary action

Outcome:

• Board agreed to a Statement of Allegations and Stipulation to Informal Disposition.
• The Respondent agreed to surrender license to practice as a nursing home administrator and agreed not to resume the practice of a nursing home administrator in the state of Washington.
CASE 2– DSHS COMPLAINT SURVEY WITH FINDINGS RELATING TO ADMINISTRATION

Overview:

• Complaint survey included at total of 17 citations, primarily related to 2 residents who passed away for whom the facility failed to identify changes and provide immediate and appropriate care.
• Citations included F490 Administration at an “H” level. This citation stated that administration failed to use its resources effectively in providing sufficient qualified nursing staff to meet residents’ complex medical needs, and failed to ensure nurses provided care that met the residents’ assessed needs, admitted residents with a high acuity of care requiring highly trained professional staff.

Case 2 (continued)

Overview continued:

• Failure to meet residents’ needs resulted in an immediate jeopardy in two tags under federal laws pertaining to Nursing Services and Quality of Care.

Deliberation:

• The Board opened a complaint and investigated.
• The Board found evidence that supported disciplinary action.
Case 2 (continued)

Outcome:

• Board agreed to a Statement of Allegations and Stipulation to Informal Disposition.
• Respondent agreed to Reimbursement costs of $1,000.00.
• Respondent also agreed to complete a minimum of eight (8) hours of continuing education pre-approved by the board and in addition to mandatory continuing education hours required for the renewal of the nursing home administrator license.

CASE 3: HANDLING OF SMOKING BY THE ADMINISTRATOR

Overview:

• Report received from DSHS stating that the resident is an unsafe smoker, she smokes in the facility and does not follow policy.
• Allegation are that the administrator and two nursing assistants were given permission by the resident to search her room but that they also searched the resident even though she declined a request to search her person.
• The Board received information that the administrator and staff held resident’s hands and took her property.
Case 3 (continued)

Deliberation:
• The Board opened a complaint and investigated.
• Initially, the Board made a decision to issue a Statement of Charges
• After further review, the Board determined that the evidence was not sufficient to support the allegations.

Outcome:
• This case was closed without action.

Stay Informed
• Staying informed about license changes and new or changing regulations are key to success.
• The Board of Nursing Home Administrators has a listserv that will keep you up to date on both Board activity as well as regulation changes.
• To sign up please visit: https://listserv.wa.gov/cgi-bin/wa?SUBED1=NHA-BOARD&A=1
Stay Informed

In addition to the Board of Nursing Home Administrators there are other resources to find information on legislative action or regulation changes:

- National Association of Long Term Care Administrator Boards (NAB)
- America Healthcare Association (AHCA)
- LeadingAge

For More Information

Department of Health Nursing Home Administrator web-site:
http://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/NursingHomeAdministrator

NAB Website:
http://www.nabweb.org/

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Any Questions?