



# Long Term Care Administrators Board

**OREGON ADMINISTRATIVE RULES**  
**(UNOFFICIAL COPY)**  
**CHAPTER 853, DIVISION 020 – 060**  
**PERMANENT RULES EFFECTIVE**  
**MAY 15, 2019**



## **HEALTH LICENSING OFFICE**

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**DIVISION 20**

**GENERAL ADMINISTRATION**

**853-020-0000**

**Definitions**

- (1) “Board” means the Long Term Care Administrators Board.
- (2) “CEU” means a continuing education unit and the numerical value determined by the board to be earned by a renewal applicant by attending a specified training course. The terms “continuing education credit” and “continuing education unit” are synonymous and may be used interchangeably.
- (3) “Continuing Education” means post-licensure education to maintain professional competency to practice nursing home administration or residential care facility administration, and improve administration skills, in the interest of safety, health and welfare of the people served.
- (4) “Experience” means prior performance in administration, including planning, organizing, directing, staffing, and budgeting of a licensed long-term care facility.
- (5) “Experience in health-care management” means experience in administration, planning, organizing, directing, staffing and budgeting of a licensed health-care facility.
- (6) “Long-Term Care Facility” means a licensed facility as defined in ORS 442.015.
- (7) “NAB” means the National Association of Long Term Care Administrator Boards.
- (8) “Office” means the Health Licensing Office.
- (9) “Official transcript” means an original document certified by an accredited college or university indicating a student’s hours and types of coursework, examinations and scores, and submitted by the college or university by mail or courier to the Office in a sealed envelope.
- (10) “One year” of employment means a period equivalent to 40 hours a week for 48 weeks.
- (11) “Preceptor” means a person who is registered to train and supervise an administrator in training (AIT).
- (12) “Residential care facility administrator” means an administrator as defined in ORS 678.710.
- (13) “Residential care facility” means a facility as defined in ORS 443.400.
- (14) “Trainee”; “administrator-in-training”; or “AIT” means a person who is completing the residency or intern requirements for licensure as a nursing home administrator.

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**DIVISION 30**

**LICENSURE OF NURSING HOME ADMINISTRATORS**

**853-030-0000**

**Nursing Home Administrator Application Requirements**

An individual applying for a nursing home administrator license must:

- (1) Meet the requirements of OAR 331 Division 30.
- (2) Submit a completed application form prescribed by the Office and pay application fee.
- (3) Provide documentation of one of these pathways:
  - (a) **Pathway 1** – Qualification through the AIT Program. Applicant must:
    - (A) Submit an official transcript demonstrating attainment of a bachelor's degree;
    - (B) Submit completed Certificate of Training form prescribed by the Office;
    - (C) Request official documentation of a passing score on the NAB examination. The examination must be passed within one year before or after the date of application. The documentation must come from NAB directly to the Office and the applicant is responsible for payment of fees assessed by NAB in obtaining required official documentation. The Office may notify NAB that an applicant is qualified to take the NAB examination;
    - (D) Pass the Board-approved state examination within one year before or one year after the application date; and pay related fees.
  - (b) **Pathway 2** – Qualification through dual facility experience. Applicant must:
    - (A) Submit proof of having one year of experience as an administrator of a dual facility as defined in ORS 678.710(1);
    - (B) Request official documentation of a passing score on the NAB examination. The examination must be passed within one year before or after the date of application. The documentation must come from NAB directly to the Office and the applicant is responsible for payment of fees assessed by NAB in obtaining required official documentation. The Office may notify NAB that an applicant is qualified to take the NAB examination;
    - (C) Pass the Board-approved state examination within one year before or one year after the application date; and pay related fees.

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(c) **Pathway 3** – Qualification through advanced education and experience. Applicant must submit:

(A) An official transcript demonstrating attainment of a postgraduate degree in management;

(B) Proof of 10 years of experience in health-care management as defined in OAR 853-020-0000(4).

(d) **Pathway 4** – Reciprocity. Applicant must submit an affidavit of licensure demonstrating proof of having an active license with no current or pending disciplinary action, as a nursing home administrator from another state or territory of the United States and the requirements must be at least equivalent to those in ORS 678.730.

(e) **Pathway 5** – Reciprocity for licensees registered before January 1, 1983. Applicant must:

(A) Submit an affidavit of licensure demonstrating proof of having a nursing home administrator license that is active and with no current or pending disciplinary action issued by another state or territory of the United States and the requirements must be at least equivalent to those in ORS 678.730. The affidavit must indicate that the license was originally issued before January 1, 1983.

(B) Pass the Board-approved state examination within one year before or one year after the application date; and pay related fees.

(4) Pay license fees.

## **853-030-0010**

### **Nursing Home Administrator Provisional Licenses - Application and Issuance**

A facility may be administered by a provisionally authorized nursing home administrator in the event of an emergency.

An emergency includes, but is not limited to, the death, incapacitation, or unexpected resignation of an authorized nursing home administrator. An administrator resigning with notice is not an emergency for the purposes of this rule.

(1) The provisional license is valid:

(a) Only for the nursing home where the emergency exists; and

(b) Until an licensed nursing home administrator is employed or six months, whichever comes first.

(2) An individual applying for a nursing home administrator provisional license must:

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- (a) Meet the requirements of OAR 331 Division 30.
- (b) Submit a completed application form prescribed by the Office.
- (c) Submit a formal request from the owner or manager of the nursing home explaining the emergency and the need for a provisional administrator license.
- (d) Provide proof of:
  - (A) Qualification under licensure pathway 2, 3, 4 or 5; or
  - (B) Current employment as the nursing home's assistant administrator; or
  - (C) Current employment as the nursing home's director of nursing.
- (e) Pay fees.

**853-030-0020**

**Application for Registration as a Nursing Home Administrator In Training (AIT)**

An individual applying for an AIT registration must:

- (1) Meet the requirements of OAR 331 Division 30;
- (2) Submit a completed application form prescribed by the Office;
- (3) Pay fees.

**853-030-0030**

**Nursing Home Administrator Preceptor Application and Maintenance**

An individual applying for a Preceptor registration must:

- (1) Meet the requirements of OAR 331 Division 30;
- (2) Submit a completed application form prescribed by the Office;
- (3) Hold an active Oregon nursing home administrator license with no current or pending disciplinary action, and not owe the Office fines, fees, or civil penalties;
- (4) Have been an authorized nursing home administrator for the least three years; and

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(5) Have attended a Board-approved workshop for preceptors in Oregon within three years preceding the date of application for registration.

(6) After being registered, a Preceptor must attend a Board-approved workshop for Preceptors every three years.

### **853-030-0040**

#### **Nursing Home AIT Program**

(1) The AIT program consists of 960 hours of Preceptor-supervised training.

(2) An AIT program applicant must be registered before beginning the AIT program.

(3) An AIT must complete the AIT program in no less than six months and no more than two years after beginning. An AIT failing to complete the program within two years after beginning must reapply and, if accepted, must begin the program again.

(4) An AIT may apply for a waiver of up to 80 hours of the AIT program pertaining to resident care and quality of life if the AIT submits:

(a) Proof of current CNA certification with no current or pending disciplinary actions and with no fines, fees, or civil penalties currently owing to the Office. Applicants must submit an affidavit of licensure pursuant to OAR 331-030-0040; or

(b) A certificate of completion from a CNA program within two years prior to application date.

(5) An AIT may apply for a waiver of up to 160 hours of the AIT program pertaining to resident care and quality of life if the AIT:

(a) Submits proof of current licensure as a LPN or RN in a long-term care facility, with no current or pending disciplinary actions and with no fines, fees, or civil penalties currently owing to the Office; and

(b) Has three years of experience within the last five years as a LPN or RN in a long-term care facility. Applicants must submit an affidavit of licensure.

(6) An AIT may apply for a waiver under subsection (4) or (5) of this rule, but not both.

(7) An AIT must notify the Office within 10 business days if they are no longer supervised by a Preceptor.

**853-030-0045**

**Nursing Home AIT Program Preceptor Duties**

A registered Preceptor must:

- (1) Train only one AIT at a time.
- (2) Meet one-on-one with the AIT for at least four hours per month to discuss the strengths, progress, and competency development needs of the AIT, and to suggest methods of improvement. In-person consultation must be documented on a form prescribed by the Office.
- (3) Sign the Certificate of Training completion forms.
- (4) Notify the Office within 10 business days if they are no longer supervising the AIT.

**853-030-0050**

**Long Term Care Administrators Examinations**

- (1) The Board-approved examinations are:
  - (a) The Nursing Home Administrator NAB examination;
  - (b) The Nursing Home Administrator Oregon laws and rules examination administered by the Office; and
  - (c) The Residential Care Facility Administrator Oregon laws and rules examination administered by the Office.
- (2) To take the examinations, an applicant must meet identification requirements listed under OAR 331-030-0000.
- (3) The examination will be administered in English, unless an Office-approved testing contractor or vendor provides the examination in languages other than English.
- (4) Examination candidates may be electronically monitored during testing.
- (5) The Board-approved passing score on both laws and rules examinations is 75 percent.
- (6) The Board will establish a maximum time for each section of the examinations.
- (7) Notes, textbooks, notebooks, smart watches, cell phones, or any other devices deemed inappropriate by the Office, are prohibited in the examination area.

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(8) An applicant may be disqualified for conduct that interferes with the examination or violates this rule. A disqualified applicant's exam may be invalidated, the exam may be deemed a failure, and fees forfeited. Disqualifying conduct includes, but is not limited to:

(a) Directly or indirectly giving, receiving or soliciting, aid during the examination process;

(b) Violations of subsection (7) of this rule;

(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;

(d) Failing to follow directions relative to the conduct of the examination; and

(e) Disruptive behavior that impacts others taking examinations.

(9) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination if they are disqualified.

### **853-030-0060**

#### **Examination Retakes**

All examination retakes are subject to examination fees and the examination schedule set by the Office.

### **853-030-0070**

#### **License Renewals**

(1) A license holder is subject to the provisions of OAR Chapter 331, Division 30 regarding the renewal of an license.

(2) To avoid delinquency penalties, license must be renewed prior to the license becoming inactive. To renew, the license holder must:

(a) Submit renewal application form;

(b) Attest to having obtained required annual continuing education; and

(c) Pay renewal fee.

(3) A license may be inactive for up to three years. When renewing after entering inactive status, the license holder must:



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- (a) Submit renewal application form;
- (b) Attest to having obtained required annual continuing education, whether license has been current or inactive; and
- (c) Pay delinquency and license fees.
- (4) A license that has been inactive for more than three years is expired; the license holder must reapply and meet the requirements listed in OAR 853-030-0000.
- (5) A license holder may not practice with an inactive or expired license.

**DIVISION 35**

**RESIDENTIAL CARE FACILITY ADMINISTRATOR LICENSES**

**853-035-0000**

**Residential Care Facility Administrator Application Requirements**

An individual applying for a license as a residential care facility administrator must:

- (1) Submit a completed application form, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees;
- (2) Submit proof of being at least 21 years old;
- (3) Submit documentation of a high school diploma or its equivalent;
- (4) Submit proof of:
  - (a) Being employed in a professional or managerial capacity in a field related to health or social service for at least two of the last five years; or
  - (b) Having earned at least a bachelor's degree in a health or social-service-related field; or
  - (c) Having a combination of experience and education deemed sufficient by the Office.
- (5) Pass an Office background check by:
  - (a) Submitting proof of an approved Oregon Department of Human Services (DHS) background check pursuant to OAR 407-007-0200 to 407-007-0370. This background check must:
    - (A) Be for a professional or managerial position at a residential care facility, assisted living facility, skilled nursing facility, or nursing facility licensed by DHS; and
    - (B) Include a national fingerprint-based criminal records check; and
    - (C) Show a date of approval no more than 120 days prior to the licensure application date.
  - (b) Completing a background check pursuant to OAR 407-007-0200 to 407-007-0370 through the Office. The Office acts as the qualified entity for the background check and submits the background check request to the Oregon DHS Background Check Unit. The background check must include a national fingerprint-based fingerprint check.
  - (c) If the background check through DHS for either (a) or (b) of this subsection have resulted in any outcome other than approval, the Office shall require the applicant to pass a fingerprint-based nationwide criminal records check pursuant to OAR 331-030-0004.

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- (6) Submit proof of having completed at least 40 hours of training pursuant to OAR 853-035-0010.
- (7) Submit proof of having passed the required exam listed in OAR 853-030-0050.
- (8) If applicable, submit an affidavit of licensure from any state where the individual holds or has held a license as a residential care facility administrator whether the license is active or inactive.
- (9) Submit application fees and license fees.

### **853-035-0005**

#### **Residential Care Facility Administrators Currently Practicing in Oregon License Requirements**

These license qualifications are for individuals who are employed in Oregon as a residential care facility administrator, as defined in ORS 678.710, or for those who are not employed, but who otherwise meet the requirements listed in (1) through (5) and (a) (A-D) in this section, and who intend to seek employment as a residential care facility administrator on or before December 31, 2021. License applications for this section must be postmarked no later than July 1, 2019 or received by the Office no later than July 1, 2019. After that date, these pathways no longer will be available; individuals must then apply through the pathway described in OAR 853-035-0000. All currently practicing or intending to practice residential care facility administrators must:

- (1) Meet the requirements of OAR 331 Division 30.
- (2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000.
- (3) Submit proof of being at least 21 years old.
- (4) Submit documentation of a high school diploma or its equivalent.
- (5) Submit documentation for one of these pathways:
  - (a) Pathway 1 – Permanent license
    - (A) Attest to:
      - (i) Having been employed in a professional or managerial capacity in a field related to health or social service for at least two of the last five years; or
      - (ii) Having earned at least a bachelor's degree in a field related to health or social service; or

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- (iii) Having a combination of experience and education deemed sufficient by the Office.
  - (iv) Having completed at least 40 hours of training approved by the Oregon Department of Human Services (DHS) pursuant to OAR 411-054-0065; and
  - (v) Having met any continuing education requirements established by DHS for the lesser of the three years immediately preceding the date of application, or duration of employment or qualification in Oregon as a residential care facility administrator; and
  - (vi) Have not been responsible for a facility that was subject to conditions imposed by DHS while they were in charge for the lesser of the four years immediately preceding the date of application or the duration of employment or qualification in Oregon as a residential care facility administrator; and
- (B) Pass an Office fitness-for-employment criminal records check pursuant to ORS 443.004; and
- (C) Pay application and original license fees.
- (b) Pathway 2 – Provisional license for administrators employed in Oregon as a residential care facility administrator
- (A) A provisional residential care facility administrator license issued under this section is not renewable and expires on December 31, 2021, or the date upon which the holder is issued a permanent license after passing the required examination and paying required fees, whichever comes first. Attest to:
- (i) Being employed in a professional or managerial capacity in a field related to health or social service for at least two of the last five years; or
  - (ii) Having earned at least a bachelor's degree in a field related to health or social service; or
  - (iii) Having a combination of experience and education deemed sufficient by the Office.
  - (iv) Having completed at least 40 hours of training approved by the Oregon Department of Human Services (DHS) pursuant to OAR 411-054-0065.
- (B) Pass an Office fitness-for-employment criminal records check pursuant to ORS 443.004.
- (C) Pass the Oregon laws and rules examination before December 31, 2021. The license expires on this date and cannot be renewed.
- (D) Pay application and provisional license fees. Application and provisional licensing fees will be applied towards the application and permanent licensing fees.
- (c) Pathway 3 – Provisional license for employed out-of-state residential care facility administrators

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(A) A provisional residential care facility administrator license issued under this section is not renewable and expires on December 31, 2021, or the date upon which the holder is issued a permanent license after passing the required examination and paying required fees, whichever comes first. Attest to:

- (i) Being employed in a professional or managerial capacity in a field related to health or social service for at least two of the last five years; or
  - (ii) Having earned at least a bachelor's degree in a field related to health or social service; or
  - (iii) Having a combination of experience and education deemed sufficient by the Office.
  - (iv) Having completed at least 40 hours of training approved by the Oregon Department of Human Services (DHS) pursuant to OAR 411-054-0065; and
  - (v) Having met any continuing education requirements established by DHS for the lesser of the three years immediately preceding the date of application or the duration of employment or qualification in Oregon as a residential care facility administrator.
- (B) Pass an Office fitness-for-employment criminal records check pursuant to ORS 443.004.
- (C) Pass the Oregon laws and rules examination before December 31, 2021. The license expires on this date and cannot be renewed.
- (D) Pay application and provisional license fees. Application and provisional licensing fees will be applied towards the application and permanent licensing fees.

**853-035-0010**

**Residential Care Facility Administrator Training Requirements**

For the Office to approve residential care facility administrator training, the content must be at least 40 hours long and include:

- (1) Leadership skills;
- (2) Building requirements;
- (3) Fire and life safety;
- (4) Quality improvement processes;
- (5) Human resources management;
- (6) Health services;

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- (7) Role of the nurse and Oregon Nurse Delegation Act;
- (8) Person-centered care principles;
- (9) Memory care standards;
- (10) Compliance and governance;
  - (a) Adult abuse protection and investigations
  - (b) Oregon Revised Statutes and Oregon Administrative Rules

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**DIVISION 40**

**FEEES**

**853-040-0000**

**Fees**

(1) Applicants and registrants are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Office are:

(a) Nursing home administrator or residential care facility administrator application:

(A) License (including by reciprocity): \$100

(B) Provisional license: \$50

(C) AIT registration: \$100

(D) Preceptor registration: \$100

(b) Oregon laws and rules examination: \$125

(c) Original issuance:

(A) License (including by reciprocity): \$130 for one year

(B) Nursing home administrator provisional license: \$50 for six months

(C) Residential care facility administrator provisional license: \$50

(d) Renewal of license: \$130 for one year

(e) Other administrative fees:

(A) Delinquency fee: \$50 for each year in inactive status up to three years

(B) Replacement of license, including name change: \$25

(C) Affidavit of licensure: \$50

(D) Information Packet: \$10

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(E) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges.

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**DIVISION 60**

**STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT**

**853-060-0000**

**Standards of Practice and Professional Conduct**

Nursing home administrators and residential care facility administrators must:

- (1) Comply with federal, state and local laws and regulations concerning the operation of nursing homes registered pursuant to ORS 442.015 through 442.325, and residential care facilities, licensed and operated pursuant to ORS 443.400 through 443.455.
- (2) Report to the Office conduct as described in ORS 676.150, including their own.
- (3) Report to the Office within 10 days any felony arrest or conviction, and any misdemeanor conviction, pursuant to ORS 676.150(3).
- (4) Report to the Office any discipline received from any other state or federal governing entity, pursuant to ORS 676.612.
- (5) Understand that failure to comply with these standards constitutes unprofessional conduct, and a license holder engaging in such conduct may be subject to discipline under ORS 676.612.