

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 91

Session of  
2003

INTRODUCED BY GREENLEAF, COSTA, TOMLINSON, SCHWARTZ, O'PAKE AND  
RAFFERTY, JANUARY 29, 2003

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
JANUARY 29, 2003

AN ACT

1 Amending the act of June 22, 1970 (P.L.378, No.122), entitled  
2 "An act concerning nursing homes; providing for the licensing  
3 of persons charged with the general administration of such  
4 homes; prescribing the powers and duties of the State Board  
5 of Examiners of Nursing Home Administrators; fixing fees and  
6 making certain acts unlawful," further providing for  
7 qualifications for admission to examination.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Section 6 of the act of June 22, 1970 (P.L.378,  
11 No.122), known as the Nursing Home Administrators License Act,  
12 amended April 13, 1973 (P.L.15, No.5) and December 20, 1985  
13 (P.L.375, No.106), is amended to read:

14 Section 6. Qualifications for Admission to Examination.--(a)  
15 The board shall admit to examination for licensure as a nursing  
16 home administrator any candidate who pays a fee established by  
17 the board by regulation and submits evidence of good moral  
18 character and suitability prescribed by the board, and, that he  
19 is at least twenty-one years old, a citizen of the United  
20 States, or that he has duly declared his intention of becoming a

1 citizen of the United States, and that he has completed  
2 preliminary education satisfactory to the board.

3 (a.1) The board shall not issue a license or certificate to  
4 an applicant who has been convicted of a felonious act  
5 prohibited by the act of April 14, 1972 (P.L.233, No.64), known  
6 as "The Controlled Substance, Drug, Device and Cosmetic Act," or  
7 convicted of a felony relating to a controlled substance in a  
8 court of law of the United States or any other state, territory  
9 or country unless:

10 (1) at least ten years have elapsed from the date of  
11 conviction;

12 (2) the applicant satisfactorily demonstrates to the board  
13 that the applicant has made significant progress in personal  
14 rehabilitation since the conviction such that licensure of the  
15 applicant should not be expected to create a substantial risk of  
16 harm to the health and safety of nursing home residents or the  
17 public or a substantial risk of further criminal violations; and

18 (3) the applicant otherwise satisfies the qualifications  
19 contained in or authorized by this act.

20 (b) On and after July 1, 1970 no applicant for license as a  
21 nursing home administrator shall be admitted to the licensing  
22 examination, nor be entitled to or be granted a license as a  
23 nursing home administrator unless he shall submit written  
24 evidence, on forms provided for such purpose by the board, that  
25 he has graduated from a high school or secondary school approved  
26 and recognized by the educational authorities of the state in  
27 which such school is located, or a political division thereof,  
28 or has submitted a certificate indicating that he has obtained  
29 high school or secondary school equivalency, such certificate  
30 being duly certified by a state educational authority or a

1 political division thereof, and that he has complied with the  
2 provisions of subsection (d) of this section.

3 (c) On and after January 1, 1977 no applicant for license as  
4 a nursing home administrator shall be admitted to the licensing  
5 examination, nor be entitled to or be granted a license as a  
6 nursing home administrator unless he shall submit written  
7 evidence, on forms provided for such purpose by the board that  
8 he has successfully completed two years' college level study  
9 after secondary school study in an accredited institution of  
10 higher learning, and that he has complied with the provisions of  
11 subsection (d) of this section.

12 (d) On and after July 1, 1970, each applicant who has not  
13 completed a regular course of study or program in an accredited  
14 institution of higher learning, which course of study or program  
15 shall have been approved by the board as being adequate academic  
16 preparation for nursing home administration, shall in addition  
17 to meeting the requirements of subsection (a) of this section,  
18 submit evidence satisfactory to the board that he has attended  
19 specialized courses or a program of study in an area relevant to  
20 nursing home administration, as required by the rules and  
21 regulations of the board.

22 (e) A candidate who applies for examination under and  
23 pursuant to subsection (c) of this section, in lieu of the  
24 educational requirements provided for therein, may submit  
25 evidence satisfactory to the board that he has obtained one year  
26 of practical experience in nursing home administration or in  
27 related health facility administration for each year of required  
28 post-high school or post-secondary school education.

29 (f) Any person who has operated a nursing home for a period  
30 of three years or more shall be admitted to the licensing

examination without the necessity of submitting written evidence of high school graduation or its equivalent.

(f.1) The following shall apply beginning one year after the effective date of this subsection:

(1) No applicant for license as a nursing home administrator shall be admitted to the licensing examination, nor be entitled to or be granted a license as a nursing home administrator unless the applicant submits written evidence on forms provided for such purpose by the board that the applicant has received a baccalaureate degree or master's degree from an accredited institution of higher learning in a course of study or program which shall have been approved by the board as being adequate academic preparation for nursing home administration, that the applicant has acquired acceptable practical experience, and that the applicant has complied with the provisions of subsections (a) and (a.1).

(2) Each applicant who has received a baccalaureate degree or master's degree from an accredited institution of higher learning, which degree was not in a course of study or program approved by the board as being adequate academic preparation for nursing home administration, shall, in addition to meeting the remaining requirements of clause (1) of this subsection, submit evidence satisfactory to the board that the applicant has attended specialized courses or a program of study in an area relevant to nursing home administration, as required by the rules and regulations of the board.

(g) (1) The board shall, within six months of the effective date of this act, initiate the promulgation of regulations approving specialized graduate and undergraduate courses of study in this Commonwealth, which shall be accepted by the board

1 as relevant to the practice of nursing home administration. Such  
2 courses shall include, but not be limited to, nursing home  
3 administration[, ] and health facility administration [and  
4 geriatric social work].

5 (2) The board shall, within six months of the effective date  
6 of this act, initiate the promulgation of regulations setting  
7 forth the practical experience acceptable [in lieu of the  
8 educational requirements set forth in subsections (c) and (d).]  
9 in addition to the education requirements in subsection (f.1).

10 (h) As used in this section, the term "conviction" shall  
11 include a judgment, an admission of guilt or a plea of nolo  
12 contendere. An applicant's statement on the application  
13 declaring the absence of a conviction shall be deemed  
14 satisfactory evidence of the absence of a conviction, unless the  
15 board has evidence to the contrary.

16 Section 2. The amendment of section 6 of the act shall not  
17 apply to nursing home administrators licensed by the  
18 Commonwealth prior to the effective date of this act.

19 Section 3. This act shall take effect immediately.