

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 13 NURSING HOME ADMINISTRATORS
PART 1 GENERAL PROVISIONS

16.13.1.1 ISSUING AGENCY: New Mexico Nursing Home Administrators.
[10-31-95; 16.13.1.1 NMAC - Rn, 16 NMAC 13.1.1, 1-25-2001; A, 05-26-2016]

16.13.1.2 SCOPE: The provisions in Part 1 apply to all parts of Chapter 13, and provide relevant information to anyone affected or interested in Chapter 13 of Title 16.
[10-31-95; 16.13.1.2 NMAC - Rn, 16 NMAC 13.1.2, 1-25-2001]

16.13.1.3 STATUTORY AUTHORITY: Chapter 13 of Title 16 is promulgated pursuant to the Nursing Home Administrators Act, NMSA 1978 Sections 61-13-1 through 61-13-17 (1993 Repl. Pam.). Section 9 of Part 1 is authorized by NMSA 1978 Section 61-13-6 (1993 Repl. Pam.). Section 10 of Part 1 is authorized by NMSA 1978 Section 14-2-1 through 14-2-16 (1993 Repl. Pam.). Section 11 of Part 1 is authorized by NMSA 1978 Section 10-15-1.C (1993 Repl. Pam.).
[2-24-88; 2-13-94; 10-31-95; 16.13.1.3 NMAC - Rn, 16 NMAC 13.1.3, 1-25-2001]

16.13.1.4 DURATION: Permanent.
[10-31-95; 16.13.1.4 NMAC - Rn, 16 NMAC 13.1.4, 1-25-2001]

16.13.1.5 EFFECTIVE DATE: October 31, 1995.
[2-24-88...10-31-95; 16.13.1.5 NMAC - Rn, 16 NMAC 13.1.5, 1-25-2001]

16.13.1.6 OBJECTIVE: The objective of Part 1 of Chapter 13 is to set forth the provisions which apply to all of Chapter 13, and to all persons and entities affected by Chapter 13 of Title 16.
[10-31-95; 16.13.1.6 NMAC - Rn, 16 NMAC 13.1.6, 1-25-2001]

16.13.1.7 DEFINITIONS:

- A.** "AAHSA" means the American association of homes and services for the aging.
- B.** "ACHCA" means the American college of health care administrators.
- C.** "ACHCE" means the American college of health care executives
- D.** "AUPHA" means the association of university programs in health care administration.
- E.** [RESERVED]
- F.** "Administrator" means the chief executive officer.
- G.** "Applicant" means a person who has applied for a license.
- H.** "Approval" means the review and acceptance of a specific activity.
- I.** "Approval Body" means the agency, institution, or organization with the authorization to award continuing education credit.
- J.** "Audit" means an examination and verification of continuing education documents.
- K.** [RESERVED]
- L.** "Board" means the New Mexico nursing home administrators board.
- M.** "CE" means continuing education.
- N.** [RESERVED]
- O.** "Continuing Education Unit (CEU)" means ten contact hours (ten 60-minute clock hours) of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.
- P.** "Contact Hours" means a unit of measurement to describe an approved, organized learning experience. One contact hour equals one 60-minute clock hour.
- Q.** "Continuing Education" means a learning experience which enhances professional development.
- R.** [RESERVED]
- S.** "Expired License" means a license which has not been renewed or placed on inactive status on or before the expiration deadline.
- T.** "Hospital Administrator" means the chief executive officer of an acute care facility.
- U.** "Inactive Status" means a license which is in good standing but not current.
- V.** "Initial License" means the process of achieving the legal privilege to practice within a

professional category upon the completion of educational and other requirements and receiving a passing score on the national licensing examination.

W. "Institution of Higher Learning" means a college or university.

X. [RESERVED]

Y. "Lapsed License" means an expired or inactive status license which has not been reactivated within the time limitations set forth in these rules.

Z. "License" means a document identifying the legal privilege and authorization to practice within a professional category.

AA. "Manager" means the individual who is responsible for the planning, organizing, directing, and controlling of the operations within a department or unit of a nursing home.

BB. "Must" means required.

CC. "NAB" means the national association of boards of examiners for nursing home administrators.

DD. "NCERS" means the national continuing education review service.

EE. "NHA" means nursing home administrator.

FF. "NMAC" means the New Mexico administrative code.

GG. "New Mexico Administrative Code" means the organizing structure for rules filed by New Mexico State agencies. The NMAC is also the body of filed rules and the published versions thereof. The NMAC is structured by title, chapter, and part.

HH. "NMHCA" means the New Mexico health care association.

II. "NMHSA" means the New Mexico hospitals and health systems association.

JJ. "NMSA" means New Mexico statutes annotated.

KK. "National Licensing Examination" means examination for licensure as provided by the national association of boards of examiners for nursing home administrators (NAB).

LL. "Nursing Home Administrator" means any individual responsible for planning, organizing, directing, and controlling the operation of a nursing home.

MM. [RESERVED]

NN. "PES" means the professional examination service.

OO. "Reactivation" means the process of making current a license which has been expired as a result of failure to comply with the necessary renewal requirements. This process does not usually require board action at any juncture.

PP. "Reciprocity" means the process of applying for licensure by providing proof of successful passage of the national licensing exam prior to licensure in another state, and proof of current license in good standing in another state.

QQ. "Reinstatement" means the process whereby a license, which has been subject to revocation or suspension, is returned to its former status. The reinstatement process always requires board action.

RR. "Relicensure" means the process of renewal, reactivation, or reinstatement of a New Mexico nursing home administrator's license.

SS. "Shall" means mandatory; a requirement.

TT. "Should" means a suggestion or recommendation; not a requirement.

UU. [RESERVED]

VV. "ULA" means the Uniform Licensing Act of New Mexico.

WW. "Uniform Licensing Act" means Section 61-1-1 to 61-1-33 NMSA 1978 (1993 Repl. Pam.) which provides for hearing procedures to be utilized in disciplinary proceedings.

XX. "Verification of Continuing Education" means an official certificate issued at a continuing education activity which provides proof of attendance.

YY. "Violation of Practice" means a violation of the New Mexico Nursing Home Administrators Act and the rules and regulations duly adopted by the board.
[2-24-88; 9-18-92; 10-31-95; 16.13.1.7 NMAC - Rn, 16 NMAC 13.1.7, 1-25-2001]

16.13.1.8 SEVERABILITY: If any part or application of Chapter 13 of Title 16 is held invalid, the remainder, or its application to their situations or persons, shall not be affected.
[2-24-88; 2-13-94; 10-31-95; 16.13.1.8 NMAC - Rn, 16 NMAC 13.1.8, 1-25-2001]

16.13.1.9 EXCEPTIONS: Chapter 13 does not apply to boarding homes or to sheltered-care facilities. Intermediate care facilities for the mentally retarded that are properly licensed by the health department, as intermediate care facilities are not nursing homes as defined by the Nursing Home Administrators Act. Therefore,

their administrators are not required to be licensed as a nursing home administrator.
[2-24-88; 2-13-94; 10-31-95; 16.13.1.9 NMAC - Rn, 16 NMAC 13.1.9, 1-25-2001]

16.13.1.10 INSPECTION OF PUBLIC RECORDS: The board operates in compliance with the Inspection of Public Records Act, Sections 14-2-1 through 14-2-16 NMSA 1978. The board administrator is the custodian of the board's records.
[10-31-95; 16.13.1.10 NMAC - Rn, 16 NMAC 13.1.10, 1-25-2001]

16.13.1.11 TELEPHONE CONFERENCES: As authorized by (1993 Repl. Pamp.) Section 10-15-1.C NMSA 1978 of the Open Meetings Act, when it is difficult or impossible for a board member to attend a board meeting in person, the member may participate by means of a conference telephone or similar communications equipment. Participation by such means shall constitute presence in person at the meeting. Each member participating by conference telephone must be identified when speaking. All participants must be able to hear each other at the same time, and members of the public attending the meeting must be able to hear any member of the board who speaks during the meeting.
[2-13-94, 10-31-95; 16.13.1.11 NMAC - Rn, 16 NMAC 13.1.11, 1-25-2001]

HISTORY of 16.13.1 NMAC:

Pre-NMAC History:

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

NHA Manual #88-1, Administrative Rules and Regulations of the New Mexico Board of Nursing Home Administrators, filed 01-25-88.

History of Repealed Material: [RESERVED]

Other History:

16 NMAC 13.1, General Provisions, filed 10-13-95 replaced that relevant portion of NHA Manual #88-1, filed 01-25-88.

16 NMAC 13.1, General Provisions, filed 10-13-95, renumbered and reformatted to 16.13.1 NMAC, effective 1-25-2001.