
BOARD OF NURSING HOME ADMINISTRATORS RULES

AS OF JUNE 30, 2021

This version of the Administrative Rules of Montana is provided as a tool for board members and department staff. In case of inconsistencies, the rule text in the Montana Administrative Register is the official rule text and will prevail.

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 162

BOARD OF NURSING HOME ADMINISTRATORS

Subchapter 1

Organizational Rule

Rule 24.162.101 Board Organization

Subchapter 2

Procedural Rules

Rule 24.162.201 Procedural Rules

24.162.202 Public Participation Rules

Subchapter 3

Definitions

Rule 24.162.301 Definitions

Subchapter 4

General Provisions

Rule 24.162.401 Quorum (REPEALED)

24.162.402 Public Information (REPEALED)

24.162.403 Submittals and Requests (REPEALED)

Rules 24.162.404 through 24.162.406 reserved

24.162.407 Record of Minutes and Hearings (REPEALED)

24.162.408 Application Denial (REPEALED)

24.162.409 Hearings or Proceedings (REPEALED)

Rules 24.162.410 through 24.162.414 reserved

DEPARTMENT OF LABOR AND INDUSTRY

- Rule 24.162.415 General Requirements
- Rules 24.162.416 through 24.162.419 reserved
- 24.162.420 Fee Schedule
- Subchapter 5
- Licensing
- Rule 24.162.501 Application and Documentation for Licensure
- 24.162.502 Military Training or Experience
- 24.162.503 Nonroutine Applications
- 24.162.504 Examinations
- Rule 24.162.505 reserved
- 24.162.506 Temporary Permit
- Rules 24.162.507 and 24.162.508 reserved
- 24.162.509 Reinstatement (REPEALED)
- 24.162.510 Licensure by Credential
- Rule 24.162.511 reserved
- 24.162.512 Applicants With Criminal Convictions
- Rules 24.162.513 and 24.162.514 reserved
- 24.162.515 Inactive License
- Subchapters 6 through 20 reserved

NURSING HOME ADMINISTRATORS

Subchapter 21

Renewals and Continuing Education

Rule 24.162.2101 Renewals (REPEALED)

Rules 24.162.2102 through 24.162.2104 reserved

24.162.2105 Continuing Education

Subchapter 22 reserved

Subchapter 23

Unprofessional Conduct

Rule 24.162.2301 Unprofessional Conduct

Subchapter 1

Organizational Rule

24.162.101 BOARD ORGANIZATION (1) The Board of Nursing Home Administrators hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 37-9-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375.)

Subchapter 2

Procedural Rules

24.162.201 PROCEDURAL RULES (1) The Board of Nursing Home Administrators hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 37-9-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375.)

24.162.202 PUBLIC PARTICIPATION RULES (1) The Board of Nursing Home Administrators hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in chapter 2 of Title 8. (History: 37-9-201, MCA; IMP, 2-3-103, MCA; NEW, Eff. 4/4/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375.)

Subchapter 3

Definitions

24.162.301 DEFINITIONS (1) "Clock hour" shall mean 60 minutes of formal instruction by an approved presenter.

(2) "Health care facility" shall mean licensed long-term facility, or licensed acute care facility, as defined by 50-5-301(2)(b)(i), MCA. (History: 37-9-203, MCA; IMP, 37-9-203, 37-9-301, MCA; NEW, 1992 MAR p. 2640, Eff. 12/11/92; TRANS, from Commerce, 2005 MAR p. 375; AMD, 2018 MAR p. 2053, Eff. 10/20/18.)

Subchapter 4

General Provisions

24.162.401 QUORUM (REPEALED) (History: 37-9-201, MCA; IMP, 37-9-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375; REP, 2016 MAR p. 1958, Eff. 10/29/16.)

24.162.402 PUBLIC INFORMATION (REPEALED) (History: 37-9-201, MCA; IMP, 37-9-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1987 MAR p. 1206, Eff. 7/31/87; TRANS, from Commerce, 2005 MAR p. 375; REP, 2018 MAR p. 2053, Eff. 10/20/18.)

24.162.403 SUBMITTALS AND REQUESTS (REPEALED) (History: 37-9-201, MCA; IMP, 37-9-301, 37-9-302, 37-9-303, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375; REP, 2016 MAR p. 1958, Eff. 10/29/16.)

Rules 24.162.404 through 24.162.406 reserved

24.162.407 RECORD OF MINUTES AND HEARINGS (REPEALED) (History: 37-1-131, 37-9-201, MCA; IMP, 37-9-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1991 MAR p. 2446, Eff. 12/13/91; TRANS, from Commerce, 2005 MAR p. 375; REP, 2016 MAR p. 1958, Eff. 10/29/16.)

24.162.408 APPLICATION DENIAL (REPEALED) (History: 37-9-201, MCA; IMP, 37-9-305, 37-9-311, MCA; Eff. 12/31/72; AMD, Eff. 3/7/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375; REP, 2016 MAR p. 1958, Eff. 10/29/16.)

24.162.409 HEARINGS OR PROCEEDINGS (REPEALED) (History: 37-9-201, MCA; IMP, 37-9-311, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375; REP, 2016 MAR p. 1958, Eff. 10/29/16.)

Rules 24.162.410 through 24.162.414 reserved

24.162.415 GENERAL REQUIREMENTS (1) The license, together with evidence of current validation, shall be conspicuously displayed within the facility served by the licensee.

(2) Each licensee shall:

- (a) file the licensee's current mailing address with the board; and
- (b) notify the board office in writing or electronically of any and all changes which occur within ten days of the address change. (History: 37-9-203, MCA; IMP, 37-9-203, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375; AMD, 2016 MAR p. 1958, Eff. 10/29/16.)

Rules 24.162.416 through 24.162.419 reserved

24.162.420 FEE SCHEDULE (1) Applicant and licensee fees are as follows:

(a) application by examination	\$225
(b) application by examination and temporary license	425
(c) application by credential	500
(d) jurisprudence reexamination (each retake)	75
(e) active renewal	235
(f) inactive renewal	100

(2) Additional standardized fees are specified in ARM 24.101.403.

(3) All fees are nonrefundable.

(4) The NAB examination fee and reexamination fee is set by the examination administrator, and is paid by the applicant directly to the examination administrator. (History: 37-1-131, 37-1-134, 37-9-304, MCA; IMP, 37-1-131, 37-1-134, 37-1-141, 37-9-304, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 849, Eff. 8/17/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 1349, Eff. 9/30/83; AMD, 1984 MAR p. 1753, Eff. 11/30/84; AMD, 1987 MAR p. 1206, Eff. 7/31/87; AMD, 1989 MAR p. 14, Eff. 12/9/88; AMD, 1991 MAR p. 2446, Eff. 12/13/91; AMD, 1998 MAR p. 2964, Eff. 11/6/98; RESCIND, (CI-75), 1999 MAR p. 67, Eff. 1/15/99; AMD, 1999 MAR p. 1123, Eff. 5/21/99; AMD, 2000 MAR p. 1035, Eff. 4/28/00; AMD, 2003 MAR p. 306, Eff. 2/28/03; TRANS, from Commerce, 2005 MAR p. 375; AMD, 2005 MAR p. 2252, Eff. 11/11/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2009 MAR p. 2024, Eff. 10/30/09; AMD, 2016 MAR p. 1958, Eff. 10/29/16.)

Subchapter 5

Licensing

24.162.501 APPLICATION AND DOCUMENTATION FOR LICENSURE

(1) In addition to passing the examination referred to in ARM 24.162.504, an applicant must submit a completed application form documenting education, training, experience or a combination thereof totaling 1,200 points. The minimum accumulative point-value shall be 1,200 points.

(2) An application shall be filed and must be accompanied by the required fee, which shall not be refunded.

(3) The application information furnished by each applicant shall be evaluated by the board and given point-value to determine whether the applicant has sufficient experience, education or training. The experience, education or training requirements are set out in (a) through (c) below.

(a) Experience will be accepted for categories set out in (i) through (iii) below. Designated points are given based upon 40 hours or more per week. Documented part-time employment will be prorated on a full-time employee (40 hours per week) status. An applicant seeking points for experience earned beyond the seven-year period preceding the application date will not be awarded points unless the application is accompanied with documentation of such experience. Adequate documentation consists of a supervisor's letter, Internal Revenue Service W-4 form, or employment evaluations signed by a supervisor or other official verification of employment.

(i) management experience in health care, with or without supervision, from the administration, no more than 200 points/year;

(ii) direct services experience providing health care services with direct patient contact, no more than 100 points/year;

(iii) support services (indirect experience) experience in health care facility(ies) with indirect patient contact, no more than 50 points/year;

(b) Credit for educational training will be given as set forth in (i) through (v) below. In the case where multiple degrees have been attained, credit shall be given for one degree only, according to the degree designated for credit by the license applicant.

(i) bachelor degree or higher in a health care or business field equals 1,200 points;

(ii) bachelor degree in any other field equals 800 points;

(iii) associate degree in a health care or business field equals 600 points;

(iv) associate degree in any other field equals 400 points;

(v) college/university course work in a health or business related course, (completed with a grade of not less than "C") equals 20 points/credit hour.

(c) Training seminars/workshops/short courses in health care and business equals one point per approved clock hour;

(d) Administrator-in-training (AIT) programs may be submitted for one point per clock hour credit for hours earned. Verification of clock hours must be documented and signed by the licensed active nursing home administrator.

(4) The applicant must submit a copy of all documents including transcript and diploma or degree, if applicable, to provide a sufficient basis for the board to evaluate the points earned by the applicant. (History: 37-1-131, 37-9-203, MCA; IMP, 37-1-131, 37-9-203, 37-9-301, 37-9-304, MCA; NEW, 1992 MAR p. 2640, Eff. 12/11/92; AMD, 1994 MAR p. 2822, Eff. 10/28/94; AMD, 1998 MAR p. 161, Eff. 1/16/98; TRANS, from Commerce, 2005 MAR p. 375; AMD, 2009 MAR p. 2024, Eff. 10/30/09; AMD, 2018 MAR p. 2053, Eff. 10/20/18.)

24.162.502 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a nursing home administrator.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a nursing home administrator. Satisfactory evidence includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and

(c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 855, Eff. 4/25/14; AMD, 2016 MAR p. 1958, Eff. 10/29/16.)

24.162.503 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2016 MAR p. 1958, Eff. 10/29/16; AMD, 2021 MAR p. 556, Eff. 5/15/21.)

24.162.504 EXAMINATIONS (1) Each applicant must attain a passing scaled score on the national examination, as determined by the National Association of Boards of Examiners for Nursing Home Administrators.

(2) Each applicant must attain a final score of at least 90 percent on the open book jurisprudence examination relating to the provisions of the Montana long-term care facility licensing law and regulations.

(3) An applicant who fails an examination may retake the examination after paying the examination fees referenced in ARM 24.162.420. (History: 37-1-131, 37-1-134, 37-9-203, 37-9-304, MCA; IMP, 37-1-131, 37-1-134, 37-9-203, 37-9-301, 37-9-304, MCA; Eff. 12/31/72; AMD, Eff. 6/5/74; AMD, Eff. 8/5/75; AMD, Eff. 3/7/76; AMD, Eff. 8/5/76; AMD, 1979 MAR p. 849, Eff. 7/17/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 1663, Eff. 11/11/83; AMD, 1987 MAR p. 1206, Eff. 7/31/87; AMD, 1988 MAR p. 710, Eff. 4/15/88; AMD, 1988 MAR p. 2567, Eff. 12/9/88; AMD, 1991 MAR p. 2446, Eff. 12/13/91; AMD, 1992 MAR p. 2640, Eff. 12/11/92; AMD, 1993 MAR p. 396, Eff. 2/12/93; AMD, 1998 MAR p. 2964, Eff. 11/6/98; RESCIND, (CI-75), 1999 MAR p. 67, Eff. 1/15/99; AMD, 1999 MAR p. 1123, Eff. 5/21/99; AMD, 2000 MAR p. 1035, Eff. 4/28/00; TRANS, from Commerce, 2005 MAR p. 375; AMD, 2016 MAR p. 1958, Eff. 10/29/16.)

Rule 24.162.505 reserved

24.162.506 TEMPORARY PERMIT (1) An application for a temporary permit must be accompanied by the required fee, which will not be refunded.

(2) The temporary permit is valid until the applicant either fails the first national examination for which the applicant is eligible or passes the examination and is granted a license.

(3) Only one temporary permit will be issued per applicant. (History: 37-1-319, MCA; IMP, 37-1-305, MCA; Eff. 12/31/72; AMD, Eff. 9/4/75; AMD, 1979 MAR p. 849, Eff. 8/16/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375; AMD, 2009 MAR p. 2024, Eff. 10/30/09; AMD, 2018 MAR p. 2053, Eff. 10/20/18.)

Rules 24.162.507 and 24.162.508 reserved

24.162.509 REINSTATEMENT (REPEALED) (History: 37-1-131, 37-9-201, 37-9-203, MCA; IMP, 37-1-131, 37-9-201, 37-9-203, 37-9-305, MCA; Eff. 12/31/72; AMD, Eff. 3/7/76; TRANS, from Dept of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1987 MAR p. 1206, Eff. 7/31/87; AMD, 1991 MAR p. 2446, Eff. 12/13/91; TRANS, from Commerce, 2005 MAR p. 375; REP, 2016 MAR p. 1958, Eff. 10/29/16.)

24.162.510 LICENSURE BY CREDENTIAL (1) An applicant for licensure by credential must include documents to prove:

(a) that the applicant attained a passing scaled score on an examination, approved by the National Association of Boards of Examiners for Nursing Home Administrators; and

(b) that the applicant holds a currently valid license as a nursing home administrator in any jurisdiction. (History: 37-1-131, 37-9-203, MCA; IMP, 37-1-131, 37-1-304, 37-9-203, MCA; Eff. 12/31/72; AMD, Eff. 6/5/74; AMD, 1979 MAR p. 849, Eff. 8/17/79; AMD, 1980 MAR p. 2589, Eff. 9/12/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1991 MAR p. 2446, Eff. 12/13/91; AMD, 1993 MAR p. 396, Eff. 2/12/93; TRANS, from Commerce, 2005 MAR p. 375; AMD, 2009 MAR p. 2024, Eff. 10/30/09; AMD, 2016 MAR p. 1958, Eff. 10/29/16; AMD, 2018 MAR p. 2053, Eff. 10/20/18.)

Rule 24.162.511 reserved

24.162.512 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

Rules 24.162.513 and 24.162.514 reserved

24.162.515 INACTIVE LICENSE (1) A licensee is prohibited from practicing as a nursing home administrator while on inactive status.

(2) Inactive licenses will be granted to those individuals presently licensed or eligible to be licensed as nursing home administrators, but who are not presently working in the nursing home administration field by submitting a request and paying the required fee.

(3) The requirements for obtaining an inactive license status shall be the same as for obtaining a nursing home administrator's license.

(4) Inactive licensees shall utilize the renewal process and pay the required fee.

(5) Inactive licensees shall be exempt from the continuing education (CE) requirements as set out in ARM 24.162.2105.

(6) To return to active status, inactive licensees must submit the following:

(a) a request and payment of the fee;

(i) At any time during the renewal period, the inactive license fee will be credited towards the full fee for an active license.

(b) verification of the licensee's good standing from every jurisdiction in which the licensee was licensed during the inactive period; and

(c) proof of completion of the required CE for the prior renewal period as set out in ARM 24.162.2105. (History: 37-1-134, 37-1-319, 37-9-203, MCA; IMP, 37-1-134, 37-1-319, 37-9-203, MCA; NEW, Eff. 1/5/74; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375; AMD, 2016 MAR p. 1958, Eff. 10/29/16.)

Subchapters 6 through 20 reserved

Subchapter 21

Renewals and Continuing Education

24.162.2101 RENEWALS (REPEALED) (History: 37-1-141, 37-9-201, MCA; IMP, 37-1-141, 37-9-304, 37-9-305, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 375; AMD, 2005 MAR p. 377, Eff. 3/18/05; AMD, 2006 MAR p. 1583, Eff. 7/1/06; REP, 2016 MAR p. 1958, Eff. 10/29/16.)

Rules 24.162.2102 through 24.162.2104 reserved

24.162.2105 CONTINUING EDUCATION (1) Each active licensee must complete 20 hours of continuing education (CE) annually for renewal of a license.

(2) A licensee with an inactive license must complete 20 hours of CE for the immediately prior renewal period before requesting the board to issue an active license.

(3) A licensee is exempt from the CE requirement the year of original licensure.

(4) The board/staff will not pre-approve CE programs or sponsors. It is the responsibility of the licensee to select quality programs that:

- (a) contribute to the licensee's knowledge and professional competence;
- (b) contain significant intellectual or practical content; and
- (c) deal primarily with substantive nursing home management issues.

(5) A CE program means a class, institute, lecture, conference, workshop, audio, video, internet or correspondence course or peer-reviewed publication of a journal article(s) or textbook(s) that meets the requirements of (4). Programs that promote a company, individual, or product are excluded.

(6) The board may grant CE hours to a licensee who attended courses or programs accepted by other state boards or associations of nursing home administrators, if the licensee demonstrates that the activity meets the requirements of (4).

(7) No more than 15 hours of college courses may be submitted for CE credit without prior approval of the board. These courses must comply with the requirements of (4).

(8) One semester credit is equal to 15 CE hours, and 60 minutes of class time is equal to one CE hour.

(9) All acceptable CE courses must issue a program or certificate of completion containing the following information:

- (a) full name and qualifications of the presenter;
- (b) title of the presentation attended;
- (c) number of hours and date of each presentation attended;
- (d) name of sponsor; and
- (e) description of the presentation format.

(10) Licensees can earn up to a maximum of eight CE hours per year by teaching acceptable university or college courses.

(a) Acceptable courses are based on the following criteria:

(i) courses must be germane to the licensee's profession;

(ii) the licensee must be the instructor of the course; and

(iii) the course must be addressed to health professionals.

(b) The instructor will be awarded two CE hours for a one hour presentation.

(c) Instruction of any course may be submitted for CE credit only once.

(d) Instructors employed by universities and colleges will not receive CE hours in this section for conducting courses that are a part of the regular course offering of the institutions. This applies to courses that are offered in the evening or summer.

(11) The board will conduct random CE audits. Licensees selected for audit shall submit proof of completion of CE courses. Licensees are responsible for maintaining their CE records and making such records available upon board request. (History: 37-1-131, 37-1-319, 37-9-203, MCA; IMP, 37-1-306, 37-1-319, 37-9-203, MCA; NEW, Eff. 5/5/74; AMD, Eff. 9/4/75; AMD, 1979 MAR p. 849, Eff. 8/17/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 1349, Eff. 9/30/83; AMD, 1987 MAR p. 1206, Eff. 7/31/87; AMD, 1991 MAR p. 2446, Eff. 12/13/91; AMD, 2000 MAR p. 1035, Eff. 4/28/00; TRANS, from Commerce, 2005 MAR p. 375; AMD, 2005 MAR p. 377, Eff. 3/18/05; AMD, 2009 MAR p. 2024, Eff. 10/30/09; AMD, 2016 MAR p. 1958, Eff. 10/29/16.)

Subchapter 22 reserved

Subchapter 23

Unprofessional Conduct

24.162.2301 UNPROFESSIONAL CONDUCT (1) The board may suspend, revoke or take any other action in relation to the disciplining of the individual as the board in its discretion considers proper after an appropriate hearing or personal waiver of hearing rights.

(2) The following acts may subject the licensee to disciplinary action:

- (a) willful and/or repeated violation of any board statutes or rule or the statutes or rules of any federal, state, county or city agency having licensing and regulation of nursing homes or administrators;
- (b) conviction of a felony related to the practice of the profession by a court of competent jurisdiction, unless exempt by 37-1-203, MCA;
- (c) use of fraud, deceit or misrepresentation in the securing of a nursing home administrators license;
- (d) being mentally and/or physically incompetent to engage in or act in the professional status as a nursing home administrator;
- (e) use of alcoholic beverages or addictive drugs to the extent that it impairs the ability to practice the profession safely;
- (f) diversion or appropriation of drugs or medications prescribed for residents in the nursing home;
- (g) failure to take appropriate action on an employee who diverts drugs or medications prescribed for residents;
- (h) acceptance of valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home usage;
- (i) use of fraudulent, misleading or deceptive advertising;
- (j) knowingly allowing an individual to falsely impersonate another licensee;
- (k) knowingly failing to exercise true regard for the safety, health and welfare of the resident;
- (l) willfully permitting unauthorized disclosure of information relative to the residents' records;
- (m) disclosure or use of confidential information in the course of duties as a nursing home administrator which would further his/her own economic interests;
- (n) continuous failure, or allowing the continuous failure, of employees to comply with standards for the operation of the nursing home for which the administrator is responsible;
- (o) willful failure to correct deficiencies or failure to maintain corrective measures in the nursing home as cited by any agency of government which has nursing home administration responsibility.

(p) failing to maintain or provide accounting of or for residents' property or assets during their stay in the nursing home. However, the administrator shall be responsible only for that property with which he has been specifically entrusted by the resident, or that property over which the administrator has reasonable means of exercising security;

(q) allowing harassment or abuse of residents by employees;

(r) failing to cooperate with an authorized investigation of a complaint; and

(s) violating orders of the board. (History: 37-1-131, 37-9-201, 37-9-203, 37-9-311, MCA; IMP, 37-9-203, 37-9-311, MCA; NEW, 1979 MAR p. 849, Eff. 8/17/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1991 MAR p. 2446, Eff. 12/13/91; TRANS, from Commerce, 2005 MAR p. 375.)