

RECOMMENDED REVISIONS TO NEW YORK STATE NURSING HOME ADMINISTRATOR REQUIREMENTS

Requirement/Barrier	NYS Board of Examiners of Nursing Home Administrators (BENHA) Policy	Federal/State Regulation	Federal/State Law	Recommendation
<p>Administrator-in-Training (AIT) Preceptors: Facilities that are willing/qualified cannot serve as training sites because their administrators of record (AORs) do not meet specific requirements, even though other facility executives (LNHAS) could provide oversight.</p>	<p>Preceptor must: (1) be AOR of training site; (2) be licensed by NYS as an administrator for at least 2 years; (3) have at least 3 years of full-time service as the AOR of a facility in the last 5 years, including at least 1 year in a New York State (NYS) nursing home (NH) eligible for approval as a training site, or hold current administrator certification from the American College of Health Care Administrators (ACHCA).</p>	<p>- Federal regulations at 42 CFR Part 431 are silent on this issue. - NYS regulations at 10 NYCRR § 96.8(b)(2) require preceptor to: (1) be the AOR of training site; (2) be licensed as an administrator for at least 2 years; (3) have at least 3 years of full-time service as the AOR of a facility in the last 5 years, including at least 1 year in a NYS NH eligible for approval as a training site; and (4) not have had any disciplinary actions taken against their license.</p>	<p>- Federal law at 42 U.S.C. § 1396g is silent on this issue. - NYS Public Health Law (PHL) Article 28-D is silent on this issue.</p>	<p>Revise NYS regulations at 10 NYCRR § 96.8(b)(2) and BENHA policy to allow for greater flexibility on the qualifications for preceptors.</p>
<p>AIT/Qualifying Field Experience: Candidates may substitute certain education/work experience for limited amounts of the required 12 months of AIT time or 24 months of field experience.</p>	<p>Candidates must complete a 12-month ATI program (at least 1,820 hours) or 2 years of qualifying (department head with management of 2 or more departments) field experience. May substitute work experience for AIT or field experience time, if they have at least 3 years qualifying experience as a Director of Nursing (6 month and 12-month reduction,</p>	<p>- Federal regulations at 42 CFR Part 431 are silent on this issue. - NYS regulations at 10 NYCRR § 96.8(a) require a Board-approved AIT program of at least 12 months full-time experience (at least 1,820 hours). NYCRR § 96.8(b) allows a candidate to substitute the internship with 2 years of verified full-time qualifying field</p>	<p>- Federal law at 42 U.S.C. § 1396g is silent on this issue. - NYS PHL § 2896-c(c) is silent on AIT/field experience, but requires candidates to complete a Bachelor’s degree or certificate of equivalency. Section 2896-c(d) requires completion of a course of study in institutional</p>	<p>Change BENHA policy to: -allow reduced AIT time based on work experience in leadership roles in addition to Director of Nursing in a NH. -reduce DON qualifying experience to 2 years. -expand qualifying field experience to include</p>

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<p>Additional executives and advanced degrees should qualify for reductions.</p>	<p>respectively), or 2 years as an out-of-state AOR (full satisfaction of both). Candidates can also reduce their internship by 6 months or field experience by 12 months if they have a Master's degree (they must also complete 5 specific courses).</p>	<p>experience in a nursing home, at BENHA's discretion.</p>	<p>administration approved by BENHA or in a school licensed by the NYS Education Department (NYSED), or an equivalent combination of instruction, training or experience as determined by BENHA, or an equivalent course of study in a college as determined by the NYSED.</p>	<p>executives who have not managed 2 or more departments for 2 or more years.</p> <p>Change NYS regulation at 10 NYCRR §96.8(a) and BENHA policy to: -allow additional reductions in AIT and field experience based on other advanced degrees.</p>
<p><i>AIT Number of Hours and Financial Support for AIT Candidates through part-time work or scholarships:</i> The demands of the AIT program and number of hours it requires prevent candidates from engaging in paid work while an AIT, even though regulations</p>	<p>AIT programs may be full-time or part-time, and candidates may be paid for their time.</p>	<p>-Federal regulations at 42 CFR Part 431 are silent on this issue. -NYS regulations at 10 NYCRR §96.8 allow candidates to be paid, but do not provide funding for this purpose.</p>	<p>- Federal law at 42 U.S.C. § 1396g is silent on this issue. - NYS PHL § 2896-c(d) is silent on funding.</p>	<p>Change NYS regulation at 10 NYCRR §96.8(a) and BENHA policy to reduce number of AIT hours to a range with a maximum of 1,000 hours (similar to PA, MA, CT, VT), thereby enabling candidates to work in a paid position while engaged in AIT programs.</p> <p>Allocate funding for AIT program scholarships to enable candidates who</p>

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theoretically permit it.				lack other sources of income to participate.
<p>Educational Prerequisites Candidates with advanced levels of education and/or relevant work experience may be required to return to school to complete up to 5 specific college courses.</p>	<p>Candidates must hold a Bachelor's (or higher level) degree from an accredited educational institution, which must include (or be supplemented by) successful completion of 15 credit hours of course work at an accredited educational institution in the following 5 areas: NH administration; health care financial management; legal issues in health care; gerontology; and personnel management. Each course must be at least 3 credits, and must have been completed within the last 10 years (last 5 years for NH administration). Courses may only be waived for candidates with 2+ years of service as the full-time AOR of an out-of-state NH within the last 5 years.</p>	<p>- Federal regulations at 42 CFR Part 431 are silent on this issue. - NYS regulations at 10 NYCRR § 96.8(a) require candidates to document, in addition to degree requirements, successful completion of the 15 credit hours of required courses in the 5 specified areas.</p>	<p>- Federal law at 42 U.S.C. § 1396g is silent on this issue. - NYS PHL § 2896-c(d) requires satisfactory completion of a course of study in institutional administration approved by BENHA or in a school licensed by NYSED or an equivalent combination of instruction, training or experience as determined by BENHA, or an equivalent course of study in a college as determined by the NYSED.</p>	<p>Change NYS regulations at 10 NYCRR § 96.8(a) and BENHA policy to allow waivers of 1 or more of the 5 courses, based on advanced degrees or NH managerial experience.</p>
<p>Recency of Courses: The 5 specific college courses must be completed within specific timeframes.</p>	<p>Candidates must have successfully completed the required 15 credit hours within the last 5 years for the NH administration course and 10 years for the other courses .</p>	<p>- Federal regulations at 42 CFR Part 431 are silent on this issue. - NYS regulations at 10 NYCRR § 96.8(a) are silent on the</p>	<p>- Federal law at 42 U.S.C. § 1396g is silent on this issue. - NYS PHL § 2896-c(d) is silent on this issue.</p>	<p>Change BENHA policy to eliminate or extend the timeframes within which the 5 required courses must be taken.</p>

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		recency of completion of these courses.		
<p>Accreditation and Approval of Coursework: Required educational coursework must be approved by BENHA, which limits the course options for candidates. Few courses at SUNY/CUNY institutions and courses are approved.</p>	<p>Candidates must hold a Bachelor's (or higher level) Degree from an accredited educational institution. The degree must have included (or be supplemented by) successful completion of 15 credit hours of course work in 5 areas at an accredited educational institution.</p>	<p>- Federal regulations at 42 CFR Part 431 are silent on this issue. - NYS regulations at 10 NYCRR § 96.8(a) require that the Bachelor's or higher level degree be awarded by an accredited educational institution acceptable to the BENHA. The specified 5 courses must be completed at an accredited post-secondary educational institution.</p>	<p>- Federal law at 42 U.S.C. § 1396g is silent on this issue. - NYS PHL § 2896-c requires a candidate to successfully completed a 4-year course of study in a secondary school approved by the Board of Regents.</p>	<p>Change BENHA policy and conduct outreach to institutions of higher education to increase the numbers of institutions and the number of approved courses.</p>
<p>Reciprocity: NYS does not allow reciprocity for NH administrators licensed in other states; it only waives the examination requirement. Several other states allow reciprocity.</p>	<p>Allows the examination process to be waived for out-of-state licensed administrators. To obtain a waiver, the issuing state must verify in writing passage of the National Association of Long Term Care Administrator Boards (NAB) Nursing Home Administrator Licensing Examination, along with specific information on the exam</p>	<p>- Federal regulations at 42 CFR Part 431 are silent on reciprocity specifically, but § 431.714 allows states to waive any of their established standards for individuals who have served as administrators during all 3 preceding calendar years. - NYS regulations at 10 NYCRR § 96.12 require out-of-state</p>	<p>- Federal law at 42 U.S.C. § 1396g is silent on reciprocity specifically, but § 1396g(d) allows states to waive any of their established standards for individuals who have served as administrators during all 3 preceding calendar years. - NYS PHL § 2896-d(5) allows the BENHA to accept in lieu</p>	<p>Change NYS regulations at 10 NYCRR § 96.12 and BENHA policy to enable reciprocity.</p>

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	results, the individual’s licensure status and any disciplinary actions.	licensed administrators to apply for a NYS license, and to meet basic standards as well as specific educational, experiential and licensure oversight requirements.	of other requirements, “a certificate, registration or license issued by another state or political subdivision of the United States on the basis of qualifications and an examination satisfactory to the board.”	

Sources

BENHA Policy: NYS Nursing Home Administrator Licensure Program

https://www.health.ny.gov/professionals/nursing_home_administrator/licensure_program/

Code of Federal Regulations, Title 42 Part 431 Subpart N: State Programs for Licensing Nursing Home Administrators

<https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-C/part-431/subpart-N>

Federal Social Security Act Section 1908: State Programs for Licensing of Administrators of Nursing Homes [Social Security Act §1908](#)

[\(ssa.gov\)](https://www.ssa.gov). The table references use the corresponding citation 42 U.S.C. Section 1396g.

New York Codes, Rules and Regulations YCRR Part 96: Licensure And Practice Of Nursing Home Administration [Title: Part 96 -](#)

[Licensure And Practice Of Nursing Home Administration | New York Codes, Rules and Regulations \(ny.gov\)](#)

New York State Public Health Law Section 28-D: [Legislative Information - LBDC \(state.ny.us\)](#)

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