

Idaho Board of Examiners of Residential Care Facility Administrators

Board/Commission Members:

- Dr. Heidi Brough Nye, Ph.D., Nampa – Chair
- Ann F. Wheeler, American Falls – Public Member
- Kristen E Hyde, RN, BSN, CCM, Star
- Linda L. Simon, Boise
- Natalie M. Nathan, MHS, Meridian

Board/Commission Composition: The Board consists of five (5) members: two (2) licensed residential care facility administrators; one (1) member from any other profession or agency or institution concerned with the care of persons requiring assistance with the daily activities of living; one (1) licensed nurse; and one (1) public member. No more than two (2) Board members shall be officials or full-time employees of state or local governments. Board members serve a term of three (3) years. [Idaho Code § 54-4204](#).

Operating costs per licensee: \$215.45. This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal, and investigative services.

Total number of current licensees in Idaho on May 19, 2018: **464**.

For the Idaho Board of Examiners of Residential Care Facility Administrators, the **shortest time** from complete application to issuing a license was the **same day**. The **longest time** from complete application to issuing a license was **3 days**. Of all licenses, **90.2 percent** were issued the **same day**, and the **average time** from complete application to issuing a license was **.24 days**. The total number of licenses issued between May 19, 2017 and May 19, 2018 was **51**.

Note: All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. Idaho Code [§ 74-204](#).

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A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

		Statute I.C. Title 54, Chapter 42	Rule IDAPA 24.19.01	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Residential Care Facility Administrator	Initial License	I.C. § 54-4206	24.19.01.150	*	Application	I.C. § 54-4206 I.C. § 54-4213	\$150 Application
	Renewal Requirements	I.C. § 54-4209	24.19.01.500 24.19.01.401	*		I.C. § 54-4209	\$150 Renewal
Temporary Residential Care Administrator	Initial Permit	I.C. § 54-4211	N/A	*	Application	I.C. § 54-4211 I.C. § 54-4213	\$150 Application
	Renewal Requirements	N/A	N/A	*		N/A	N/A

**All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

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B. Applications and Renewals Denied, May 19, 2017-May 19, 2018

Refusal to Issue Initial License [Total Number: 2]

	Basis in Statute and/or Rule	Summary of Factual Basis
	I.C. § 54-4211	Applicant failed to meet the requirements for a provisional permit.
	I.C. § 54-4211	Applicant failed to meet the requirements for a provisional permit.

Refusal to Renew License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

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C. Disciplinary Actions in the Last Five (5) Years**

The Idaho Board of Examiners of Residential Care Facility Administrators received **109 complaints** from Fiscal Year 2013 through May 19, 2018. During that same period, **62 complaints were closed** by the Board with no disciplinary action; **39 complaints resulted in disciplinary action**; **1 complaint is pending for legal review**; and **7 complaints remained under investigation**.

***The detail provided below is only for disciplinary action closed between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action.*

Case No.	Date of Final Action	Action Taken	Basis in Statute and/or Rule	Summary of Factual Basis
RCA-2016-9	7/13/2017	Consent Order	I.C. § 54-4213(1)(b) and IDAPA 24.19.01.650.03	Respondent failed to provide a sanitary living environment.
RCA-2017-1	7/13/2017	Consent Order	I.C. § 54-4213(1)(b) and IDAPA 24.19.01.650.03	Respondent failed to protect residents from inadequate care.
RCA-2017-2	7/13/2017	Final Order	I.C. § 54-4213(1)(b)	Respondent failed to protect residents from inadequate care. Respondent failed to respond to any correspondence.
RCA-2017-4	7/13/2017	Consent Order	I.C. § 54-4213(1)(b) and IDAPA 24.19.01.650.03	Respondent failed to protect residents from abuse.
RCA-2017-5	7/13/2017	Consent Order	I.C. § 54-4213(1)(b) and IDAPA 24.19.01.650.03	Respondent failed to protect residents from inadequate care.
RCA-2017-6	7/3/2017	Consent Order	I.C. § 54-4213(1)(b) and IDAPA 24.19.01.650.03	Respondent failed to protect residents from inadequate care; failed to protect residents from abuse.
RCA-2017-8	1/25/2018	Consent Order	I.C. § 54-4213(1)(b) ; § 54-4212(1)(c) and IDAPA 24.19.01.650.03	Respondent repeatedly failed to keep her license current.
RCA-2017-9	4/5/2018	Consent Order	I.C. § 54-4213(1)(b)	Respondent repeatedly failed to conduct background checks on facility employees.

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Case No.	Date of Final Action	Action Taken	Basis in Statute and/or Rule	Summary of Factual Basis
RCA-2018-2	10/19/2017	Final Order	I.C. § 54-4213(1)(b)	Respondent repeatedly failed to protect residents from inadequate care and failed to protect residents from neglect. Respondent voluntarily surrendered her license.
RCA-2018-3	10/19/2017	Settlement Order	I.C. § 54-4205 and IDAPA 24.19.01.401	Respondent failed to document continuing education required for renewal.

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D. Changes or Attempted Changes in Last 5 Years to Eliminate Barriers to Entry

Law and Rule

Date	Legislation or Rule	Summary
2015	Docket No. 24-1901-1401	The Board relies on dedicated funds, primarily from licensure fees, in order to carry out its charge of public protection. The Board's costs have exceeded its revenues so it proposed and the Legislature approved this fee increase.
2015	House Bill 332	The 2015 Legislature passed House Bill 117 , which simplifies the renewal and reinstatement of licenses through I.C. § 67-2614 . The Board had two of its own license renewal and reinstatement statutes: I.C. § 54-4208 (repealed) and I.C. § 54-4209 . House Bill 332 consolidated the two statutes into one. The surviving one, I.C. § 54-4209 , simply adopts I.C. § 67-2614 , which was passed into law the prior year.
2017	Docket No. 24-1901-1601	<p>The 2016 Idaho Legislature passed House Bill 332. The Board proposed, and the Legislature approved, the Board's rules to incorporate the changes.</p> <p><u>Impact:</u> For those whose licenses have been expired for less than five (5) years, it eliminates the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency when reviewing applications.</p>

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Additional Barriers Eliminated/Opportunities Provided

Date	Barrier/Oppportunity	Summary
2017	Application review	The Board has designated a member to review applications between meetings to help applicants get to work faster. The Board did this by making a motion to hold applications pending documentation and approval by a designated Board member. Prior motions for applications were to hold pending receipt of documentation.
2017	Implemented Idaho Code for military service and added it to the Board's website	<p>I.C. § 67-2620 For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. The law states that professional and occupational licensing Boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration. Boards may also expedite applications, including military spouse applications.</p> <p>I.C. § 67-2602A Additionally, if a licensee already holds an active Idaho license and are on active duty in the United States Armed Forces, that license will remain active without renewing it for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</p>
2015	I.C. § 67-2614	<p>Set the reinstatement fee to \$35 and eliminated the requirement that, in addition to the reinstatement fee, the licensee had to include payment of the license fees for all of the years the license had been expired. It also clarified the continuing education required to reinstate.</p> <p>Impact: Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduced barriers to reentry in two ways. For those whose licenses have been expired for less than five (5) years, it eliminates the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency.</p>

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Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barrier/Opportunity	Summary
2012	Docket No. 24-1901-1101	The 2011 Legislature passed House Bill 49 , which revised the education and experience qualifications necessary for licensure of an administrator. The rule implements the Board's ability to accept combinations of education and experience for licensure and to waive the experience requirement when the applicant has obtained practical experience in another way.
2011	House Bill 48	This bill removes members of the Idaho Board of Examiners of Residential Care Facilities from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I. C. § 59-509 .
2011	House Bill 49	This bill accomplishes the following: <ol style="list-style-type: none"> 1. Allows an applicant to use a combination of education and supervised experience to meet the qualifications for licensure. 2. Allows the Board to waive the experience requirement for an applicant who has practical experience obtained from an internship program or medical or healthcare facility.
2010	Docket No. 24-1901-0901	Given a situation dealt with by this Board, other Boards were able to see the need for hardship and exemption rules for continuing education requirements. <p>The rule accomplishes the following:</p> <ol style="list-style-type: none"> 1. Allows for termination of inactive applications upon notification to the applicant in an effort to ensure files are current. 2. Clarifies the qualifications for applicants licensed as nursing home administrators to ensure they are competent to run a residential care facility. 3. Adds a special exemption from continuing education requirements to allow the Board to consider a hardship.

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Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barrier/Opportunity	Summary
2010	Docket No. 24-1901-0901	In response to legislation passed in 2009, the Board implemented this rule change to clarify the qualifications for applicants licensed as nursing home administrators to ensure they are competent to run a residential care facility. Applicants who hold a valid Idaho nursing home administrator license must meet the requirements provided in I.C. § 54-4211(2) , and pass the Board-approved resident care administrator examination. This requirement may be waived if the applicant submits evidence to the Board of at least one year of leadership or management experience working in a residential care facility within the five years preceding the application.
2008	House Bill 492	House Bill 492 passed the legislature in 2008. It allows the Board to use alternate examinations. In 2009, the Board approved an additional exam. <u>Impact:</u> This additional exam provides another opportunity for applicants to meet the qualifications for licensure.

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E. Assessment of Public Interest

The challenges faced by those entrusted with running a residential care facility have dramatically compounded in the past 10 years. While the state of Idaho has determined it is necessary to ensure minimum competency by licensing administrators, the reality is these facilities are home to a complex and highly vulnerable population. Whether operated on a for-profit or nonprofit basis, these facilities provide the necessary supervision, personal assistance, meals, and lodging to the developmentally disabled; the physically disabled; the mentally ill; those suffering from traumatic brain injuries; and veterans. These facilities are no longer just home to the elderly.

Licensees are responsible for overseeing the facilities and for hiring and managing staff in an arena that has seen a tremendous increase in the level of acuity serviced in these facilities, including complex medical care, physical care, and treatment for residents affected by strokes, diabetes, dementia, COPD (chronic obstructive pulmonary disease), CHF (congestive heart failure), Parkinson's Disease, wounds, cancer, etc. Administrators must manage traditional residential services known as the tasks of daily living, including medication management, bathing, dressing, personal hygiene, incontinence care, mobility assistance, transferring assistance, dining assistance, food preparation, transportation assistance, and social activities. Additionally, they are increasingly required to provide a setting to manage psychiatric behaviors such as bipolar disorder, schizophrenia, addiction, and PTSD (post-traumatic stress disorder), as well as those with severe injuries such as traumatic brain injuries. Facilities that service residents with mental retardation/developmental delay, dementia, mental illness, and traumatic brain injury must provide specific training to staff members related to these diagnoses.

Due to the complexity of care noted above, competent oversight is a critical component to ensuring the safety of assisted living residents. This oversight protects the residents and the general public, including resident families, staff members, volunteers, emergency responders, community resources, and additional providers that service these residents. Residents need a safe, home-like environment where they can get assistance just to accomplish the daily tasks of living. Part of the role of the licensed administrator is protecting other residents and the staff, while creating a caring environment where residents feel valued.

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F. Recommendations for Improvement, Modification, or Elimination of Requirements

1. Modernize and update the application, or create an additional application for the provisional permit.
2. Reformat applications for clarity.
3. Review IDAPA [24.19.01.160](#) regarding Nursing Home Administrators.
4. Create a rule for endorsement.
5. Update the Idaho Residential Care Administrators Act using the standard licensing act template to simplify requirements.
6. Create a rule for felony/misdemeanor.
7. Send out the jurisprudence exam with the application to speed up turnaround time.
8. Look at creating a separate designee status.

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Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Board of Examiners of Residential Care Facility Administrators respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
 - ✓ Protect the public. (*Ensures administrators have the education, training, and experience necessary for the appropriate services and care for each facility resident under the licensee's administration, I.C. [§ 54-4205](#), IDAPA [24.19.01.450](#)*)
 - ✓ Portability of licensure. (*I.C. [§ 54-4210](#); see Section F*)
 - ✓ Eliminate barriers to entry to work. (*I.C. [§ 54-4206](#), provisional permit*)
 - ✓ Do away with unnecessary regulation. (*[House Bill 49](#) allows candidates who applied for licensure, but did not otherwise meet the licensure requirement, to obtain experience through an internship training program*)
 - ✓ Modernize licensure and regulatory requirements. (*In 2008 and 2009, the Board approved an additional test, which eliminates barriers by creating another opportunity for applicants to qualify for licensure; see Section F*)

- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as:
 - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*[Telehealth Access Act](#)*)
 - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*IDAPA [24.19.01.401.02.d](#), and IDAPA [24.19.01.401.03](#)*)
 - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*I.C. [§ 54-4213](#); see Section F*)
 - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*See Section F*)
 - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*IDAPA [24.1901.401.04](#)*)
 - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*I.C. [54-4211](#), provisional permits*)