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SENATE BILL 1059

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

PHIL A. GRIEGO

AN ACT

RELATING TO NURSING HOME ADMINISTRATION; CHANGING THE
COMPOSITION OF THE BOARD OF NURSING HOME ADMINISTRATORS;
PROVIDING FOR CRIMINAL RECORDS CHECKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-13-4 NMSA 1978 (being Laws 1970,
Chapter 61, Section 3, as amended) is amended to read:

"61-13-4. BOARD OF NURSING HOME ADMINISTRATORS. --

A. There is created the "board of nursing home
administrators", consisting of seven members appointed by the
governor to three-year terms staggered so that no more than
three terms expire in any one year. [~~Two~~] Three members of the
board shall be [~~practicing~~] nursing home administrators licensed
and practicing under the Nursing Home Administrators Act [~~one~~
~~member shall be a hospital administrator~~] for a minimum of five

Underscored material = new
[bracketed material] = delete

1 years and who have never been disciplined by the board, one
2 member shall be a practicing physician licensed in this state
3 and three members shall be from the public who have no
4 significant financial interest, direct or indirect, in the
5 nursing home industry.

6 B. ~~[All initial appointments to the board shall be~~
7 ~~for a term of three years. Subsequently, the term of each~~
8 ~~member expires on June 30 in the third year after his~~
9 ~~appointment. In the case of a vacancy on the board, the~~
10 ~~governor shall]~~ Within ninety days of [the occurrence of the] a
11 vacancy, the governor shall appoint a [member] person to fill
12 the unexpired portion of the term. Board members shall be
13 citizens of the United States and residents of the state, and
14 not more than one member shall be an employee of any state or
15 other public agency. "

16 Section 2. Section 61-13-8 NMSA 1978 (being Laws 1970,
17 Chapter 61, Section 7, as amended) is amended to read:

18 "61-13-8. LICENSURE OF NURSING HOME ADMINISTRATORS. -- [A-]
19 The board shall issue a license as a nursing home administrator
20 to each applicant who files an application in the form and
21 manner prescribed by the board, accompanied by the required fee,
22 and who furnishes evidence, including a criminal records check,
23 satisfactory to the board that he:

24 [(1)] A. is of good moral character;

25 [(2)] B. has successfully completed a course of

1 study for a baccalaureate degree and has been awarded such
2 degree from an accredited institution in a course of study
3 approved by the board as being adequate preparation for nursing
4 home administrators;

5 [(3)] C. demonstrates professional competence by
6 passing an examination in nursing home administration as
7 prepared and published by the professional examination service
8 or such other nationally recognized examination as the board
9 shall prescribe in its rules and regulations;

10 [(4)] D. demonstrates knowledge of state regulations
11 governing the operation of nursing homes in a manner as the
12 board shall prescribe in its rules and regulations; and

13 [(5)] E. has successfully completed an internship or
14 administrator-in-training program as prescribed by the board in
15 its rules and regulations. "

16 Section 3. Section 61-13-11 NMSA 1978 (being Laws 1970,
17 Chapter 61, Section 10, as amended) is amended to read:

18 "61-13-11. LICENSURE WITHOUT EXAMINATION. -- The board shall
19 issue a nursing home administrator's license, temporary or
20 regular, without examination, to any person who holds a nursing
21 home administrator's license current and in good standing in
22 another jurisdiction, provided that the board finds that the
23 standards of licensure in the other jurisdiction are at least
24 the substantial equivalent of those prevailing in this state and
25 that the applicant meets the qualifications of the Nursing Home

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[bracketed material] = delete

1 Administrators Act. "

2 Section 4. Section 61-13-13 NMSA 1978 (being Laws 1970,
3 Chapter 61, Section 12, as amended) is amended to read:

4 "61-13-13. REFUSAL, SUSPENSION OR REVOCATION OF
5 LICENSE. --The board may refuse to issue or renew, or may suspend
6 or revoke, any license in accordance with the procedures [as]
7 contained in the Uniform Licensing Act, [~~upon~~] on the grounds
8 that the licensee or applicant:

9 A. is guilty of fraud or deceit in procuring or
10 attempting to procure or renew a license to practice as a
11 nursing home administrator;

12 B. is convicted of a felony;

13 C. is guilty of gross incompetence;

14 D. is habitually intemperate or is addicted to the
15 use of habit-forming drugs or is addicted to any vice to such a
16 degree as to render him unfit to practice as a nursing home
17 administrator;

18 E. is guilty of failing to comply with any of the
19 provisions of the Nursing Home Administrators Act or any rules
20 or regulations of the board adopted and filed in accordance with
21 the State Rules Act;

22 F. has been declared mentally incompetent by
23 regularly constituted authorities; provided that the revocation
24 shall only be in effect during the period of such incompetency;
25 or

. 115690. 2

Underscored material = new
[bracketed material] = delete

1 G. is guilty of [~~substandard performance and~~
2 conduct that substantially deviates from reasonable standards of
3 acceptable practice of nursing home administration, including
4 but not limited to the following:

5 (1) he has been convicted of a misdemeanor
6 substantially relating to the practice of nursing home
7 administration;

8 (2) he has been found by a court of law, the
9 board, an agency responsible for the certification and licensure
10 of nursing homes, a state medicaid fraud and abuse unit or any
11 other duly recognized state agency to be responsible for the
12 neglect or abuse of nursing home residents or the
13 misappropriation of their personal funds or property;

14 (3) he has been found by a state nursing home
15 licensing board, an agency responsible for the certification and
16 licensure of nursing homes or any other duly recognized state
17 agency as responsible for substandard care in a nursing home;

18 (4) he has been found to have falsified records
19 related to the residents or employees of a nursing home on the
20 basis of race, religion, color, national origin, sex, age or
21 handicap in violation of federal or state laws; or

22 (5) he has had a license revoked, suspended or
23 denied by another state for any of the reasons contained
24 in this section. "

25 Section 5. Section 61-13-17 NMSA 1978 (being Laws 1978,

. 115690. 2

Underscored material = new
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Chapter 206, Section 1, as amended) is amended to read:

"61-13-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--

The board of nursing home administrators is terminated on July 1, [1997] 2005 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of Chapter 61, Article 13 NMSA 1978 until July 1, [1998] 2006. Effective July 1, [~~1998, Article 13 of~~] 2006, Chapter 61, Article 13 NMSA 1978 is repealed."

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 March 13, 1997
6

7 Mr. President:
8

9 Your JUDICIARY COMMITTEE, to whom has been referred
10

11 SENATE BILL 1059
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS.
15

16 Respectfully submitted,
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21 Fernando R. Macias, Chairman
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25 Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Sanchez

Absent: None

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Underscored material = new
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