

TITLE 43. PROFESSIONS AND BUSINESSES
CHAPTER 27. NURSING HOME ADMINISTRATORS

§ 43-27-1. Definitions

As used in this chapter, the term:

- (1) "Board" means the State Board of Nursing Home Administrators.
- (2) "Nursing home" has the same meaning as prescribed by the Department of Community Health in the rules and regulations for nursing homes.
- (3) "Nursing home administrator" means a person who operates, manages, or supervises or is in charge of a nursing home.

HISTORY: Ga. L. 1968, p. 1143, § 1; Ga. L. 1970, p. 573, § 1; Ga. L. 1986, p. 846, § 1; Ga. L. 2009, p. 453, § 1-4/HB 228 .

§ 43-27-2. Creation of board; members

(a) There is created the State Board of Nursing Home Administrators, which shall consist of 13 members, none of whom may be employees of the United States government or of this state, and the commissioner of human services or his or her designee, who shall serve as ex officio member of the board, and the commissioner of community health or his or her designee, who shall serve as ex officio member of the board. The members of the board shall be appointed by the Governor and confirmed by the Senate, as follows:

- (1) One member who is a licensed medical doctor in this state and who is not a nursing home administrator or pecuniarily interested in any nursing home;
- (2) One member who is a registered nurse in this state and who is not a nursing home administrator or pecuniarily interested in any nursing home;
- (3) One member who is an educator with a graduate degree and specializing in the field of gerontology and who is not a nursing home administrator or pecuniarily interested in any nursing home;
- (4) Three members of the public at large who are not nursing home administrators or pecuniarily interested in any nursing home or have any connection with the nursing home industry whatsoever. Two of these three public, at large positions shall be appointed from a list of three persons for each of these two positions submitted by the Board of Community Health. The Governor is vested with complete discretion in appointing the third member for one of these three public, at large positions;
- (5) One member who is a hospital administrator in this state, who is the holder of a master's degree in hospital administration, and who is not a nursing home administrator or pecuniarily interested in any nursing home; and
- (6) Six members, at least one of whom shall represent nonproprietary nursing homes, who are licensed nursing home administrators in this state.

(b) The term for all members shall be three years from the date of appointment. A member may be removed as provided in Code Section 43-1-17. All vacancies shall be filled by the Governor for the unexpired terms in accordance with the requirements for appointment to the vacant position.

HISTORY: Ga. L. 1968, p. 1143, § 6; Ga. L. 1969, p. 744, § 1; Ga. L. 1970, p. 573, § 1; Ga. L. 1976, p. 1184, §§ 2, 3; Ga. L. 1979, p. 385, § 1; Ga. L. 1980, p. 536, § 2; Ga. L. 1986, p. 846, § 2; Ga. L. 1992, p. 2770, § 1; Ga. L. 1999, p. 296, § 24; Ga. L. 2009, p. 453, §§ 1-6, 1-47/HB 228.

§ 43-27-3. Election of officers; rules and regulations; reimbursement of members; division director as secretary of board

The board shall elect a chairman and vice-chairman from its membership and such other officers as it shall deem necessary and shall adopt rules and regulations to govern its proceedings. Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2. The division director shall be the executive secretary of the board.

HISTORY: Ga. L. 1968, p. 1143, § 6; Ga. L. 1969, p. 744, § 3; Ga. L. 1980, p. 536, § 4; Ga. L. 2000, p. 1706, § 19.

§ 43-27-4. Board's authority to determine qualifications of administrators

The board shall have sole and exclusive authority to determine the qualifications, skill, and fitness of any person to serve as an administrator of a nursing home under this chapter; and the holder of a license under this chapter shall be deemed qualified to serve as the administrator of a nursing home.

HISTORY: Ga. L. 1968, p. 1143, § 7; Ga. L. 1986, p. 846, § 3.

§ 43-27-5. General powers and duties of board; limitations

(a) The board shall have the following powers and duties:

- (1) To issue, renew, and reinstate the licenses of duly qualified applicants for licensure;
- (2) To deny, suspend, revoke, or otherwise sanction licenses to practice as a nursing home administrator;
- (3) To initiate investigations for the purpose of discovering violations of this chapter;
- (4) To initiate investigations for the purpose of discovering violations by a nursing home administrator of the rules, regulations, or statutes of the Department of Community Health or the Department of Human Services, provided that the board shall investigate those violations only after revocation, limitation, or restriction of participation of the nursing home of which such individual is the administrator in the medical assistance program or the license issued by the Department of Community Health and make written findings as to the causes of the alleged violations;
- (5) To conduct hearings upon charges into alleged violations of this chapter;
- (6) To prepare or approve all examinations for licensure as a nursing home administrator;
- (7) To develop, impose, and enforce standards which must be met by individuals in order to receive or maintain a license as a nursing home administrator;
- (8) To conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state for the purpose of improving the standards imposed for the licensing of such administrators; and
- (9) To adopt such rules and regulations as shall be reasonably necessary for the implementation and enforcement of this chapter. The board shall have the authority to establish, provide, or approve various education programs or courses for nursing home administrators and to prescribe rules and regulations requiring applicants for licenses as nursing home administrators to attend such programs or courses as a prerequisite to their being admitted to the examination or issued a license and requiring licensed nursing home administrators to attend such programs or courses as a prerequisite to their being issued any license renewal.

(b) Nothing in this chapter or in the rules and regulations adopted under this chapter shall

be construed to require an applicant for a license as a nursing home administrator who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

HISTORY: Ga. L. 1968, p. 1143, § 8; Ga. L. 1970, p. 573, § 5; Ga. L. 1973, p. 284, § 1; Ga. L. 1986, p. 846, § 4; Ga. L. 1999, p. 296, § 24; Ga. L. 2009, p. 453, § 1-48/HB 228.

§ 43-27-6. License requirement for nursing home administrators; qualifications

- (a) No person shall serve as a nursing home administrator until first obtaining a license from the board.
- (b) The board shall issue licenses as nursing home administrators only to persons who:
- (1) Are at least 21 years of age;
 - (2) Are of reputable and responsible character;
 - (3) Reserved;
 - (4) Meet the standards and the criteria established by the board to evidence the applicant's qualifications by training and experience to operate a nursing home, provided that two years of experience working in a nursing home shall be equivalent to one year of any academic education and training requirements established by the board; and such experience may be substituted without limitation for such education and training requirements; and
 - (5) Satisfactorily pass a written or oral examination, or both, approved by the board to determine the qualifications of the applicant to operate a nursing home.

HISTORY: Ga. L. 1968, p. 1143, § 3; Ga. L. 1970, p. 573, § 3; Ga. L. 1980, p. 536, § 2; Ga. L. 1986, p. 846, § 5.

§ 43-27-7. Reciprocity; provisional license.

- (a) The board, in its discretion and otherwise subject to this chapter and the rules and regulations of the board promulgated under this chapter prescribing the qualifications for a nursing home administrator license, may issue a license to a nursing home administrator who has been issued a license by the proper authorities of any state or issued a certificate of qualification by any national organization, upon payment of a fee to be fixed by the board and upon submission of evidence satisfactory to the board that such other state or national organization maintains a system and standard of qualifications and examinations for a nursing home administrator license or certificate which is substantially equivalent to those required in this state.
- (b) An applicant for licensure who meets the qualifications of subsection (a) of this Code section may be issued a provisional license by the board to practice as a nursing home administrator which shall be valid until the results of any examination required by the board and for which the applicant is scheduled to take are released. An applicant who has been issued a provisional license will be scheduled by the board to take the first available examination. If the applicant passes the examination, the provisional license shall be valid until the permanent license is issued. If the applicant fails to appear for the examination or if the applicant fails the examination, the provisional license shall become invalid immediately. The board may authorize

the issuance of a second provisional license only to an applicant who provides just cause to the board as to why the applicant was unable to appear for the examination.

HISTORY: Ga. L. 1973, p. 284, § 4; Ga. L. 1980, p. 536, § 6; Ga. L. 1986, p. 846, § 6; Ga. L. 1996, p. 1255, § 1.

§ 43-27-8. Biennial license fees and renewal; applicability to superintendent of state hospital or facility

Each person licensed as a nursing home administrator shall be required to pay a biennial license fee in an amount to be fixed by the board. Such license shall expire on the renewal date established by the division director and shall be renewable for two years upon payment of the biennial license fee. No license fee shall be required of any superintendent of a state hospital or facility during such time as the superintendent is acting or serving in the capacity as a nursing home administrator in a state institution and as an employee of the state.

HISTORY: Ga. L. 1968, p. 1143, § 4; Ga. L. 1970, p. 573, § 4; Ga. L. 1980, p. 536, § 3; Ga. L. 2000, p. 1706, § 19.

§ 43-27-9. Restoration of suspended or revoked license

The board may, for good cause shown and under such conditions as it may prescribe, restore a license to any person whose license has been suspended or revoked.

HISTORY: Ga. L. 1973, p. 284, § 3.

§ 43-27-10. Local fees

No provision of this chapter shall be construed as prohibiting or preventing a municipality or county from fixing, charging, assessing, or collecting any license fee, registration fee, tax, or gross receipt tax on any profession covered by this chapter or upon any related profession or any one engaged in any related profession governed by this chapter.

HISTORY: Ga. L. 1968, p. 1143, § 11.

§ 43-27-11. Penalty

(a) Any person who acts or serves in the capacity of a nursing home administrator without holding a license as a nursing home administrator issued in accordance with this chapter shall be guilty of a misdemeanor.

(b) Any person not licensed under this chapter who holds himself out to be a licensed nursing home administrator or uses the initials N.H.A. after his name shall be guilty of a misdemeanor.

HISTORY: Ga. L. 1968, p. 1143, § 9; Ga. L. 1976, p. 1184, § 1.

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