

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 90

NURSING HOME ADMINISTRATORS

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SUBCHAPTER 1

GENERAL PROVISIONS

§16-90-1 Objective. This chapter is intended to clarify and implement chapter 457B, Hawaii Revised Statutes, to the end that the provisions thereunder may be best effectuated and the public interest most effectively served. [Eff 1/8/71; am 6/14/80; am and ren §16-90-1, 7/30/81; am and comp 4/4/88] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

§16-90-2 Definitions. Whenever used in this chapter, unless otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:

"Board" means the board of examiners of nursing home administrators of the State.

"Nursing home" means a place authorized as such by the appropriate licensing authority of this State for the care of patients requiring continued nursing or health care, or both, such as a skilled nursing facility or an intermediate care facility.

"Nursing home administrator" means any individual who is responsible for the overall administration of a nursing home involving the planning, organizing, directing, and controlling of its operation, whether or not the individual has an ownership interest in the home and whether or not the functions and duties are shared with one or more other individuals, and who has been licensed and registered as such by the board in accordance with the provisions of the State licensing statute. A nursing home administrator who has been licensed and registered as such by the board is so designated by the initials NHA, nursing home administrator, after the licensee's name.

"Nursing home administrator-in-training" means an individual registered as such with the board, under and pursuant to the law and this chapter.

"Persons" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies.

"Practical experience in the administration of a skilled nursing facility or intermediate care facility" means the administration of services to more than one individual; administrative services which have as a major component the supervision of more than one profession or discipline; and an administrative position in which the individual has assumed direct responsibility and is held accountable for the individual's acts to the administrator or governing body of the facility.

"Practice of nursing home administration" means the performance of any act, or the making of any decision involved in the planning, organizing, directing, or controlling of the operation of a nursing home. [Eff 1/8/71; am 6/14/80; am and ren §16-90-2, 7/30/81; am and comp 4/4/88] (Auth: HRS §457B-6); (Imp: HRS §§457B-2, 457B-6)

§16-90-3 Officers and duties. (a) The board shall elect annually from its membership a chairman and a vice chairman, whose term shall be the calendar year. No member may serve more than two terms in one office.

(b) The chairman shall preside at all meetings of the board. In the absence of the chairman, the vice chairman shall preside at meetings and perform all duties usually performed by the chairman. [Eff 7/14/72; am and ren §16-90-3, 7/30/81; am and comp 4/4/88] (Auth: HRS §457B-6) (Imp: HRS §457B-5)

SUBCHAPTER 2

REQUIREMENTS

§16-90-7 Repealed. [R 4/4/88]

§16-90-7.5 Educational requirements for admission to examination. (a) To be admitted to take the examination for licensure, a person shall have met the following educational requirements:

- (1) Successful completion of a course of study at an accredited institution of higher education and receipt of a baccalaureate degree; provided that the board shall seek the advice of the University of Hawaii, office of admissions, regarding the accreditation of the college or university that the person attended, and that the board shall approve any degree recognized by the University of Hawaii; and
- (2) Successful completion of a:
 - (A) Regular course of study or program in an accredited institution of higher education, which course of study or program shall have been approved by the board as being adequate academic preparation for nursing home administration; or
 - (B) Specialized course of study in the area of administration of a skilled nursing facility or intermediate care facility;

which course of study shall have included the general subject areas or their equivalent described in section 16-90-23, and which course of study shall have been approved by the board as being adequate academic preparation for nursing home administration.

The board may exempt an applicant from completing the currently approved nursing home administrator's regular or specialized course mentioned in paragraph (2)(A) and (B) under the following circumstances:

- (1) The board determines that the applicant's baccalaureate or post-baccalaureate formal education has imparted the knowledge and skills taught in the course; or
 - (2) An applicant possesses at least three years of administrative work experience in a health-related area attained within the five years prior to the date of the application.
- (b) A person shall be deemed to have met the educational requirements of subsection (a)(1) and (2) if the person has been awarded a master's degree in hospital administration or a master's degree in public health in the specialized field of gerontology or in the specialized field of administration of health care facilities, including a board-approved course with a minimum credit of three semester hours in the subject area of administration of a skilled nursing facility or intermediate care facility. [Eff and comp 4/4/88] (Auth: HRS §457B-6) (Imp: §§457B-6, 457B-3.1)

§16-90-7.10 Practical experience required for admission to examination.

(a) In addition to the educational requirements in section 16-90-7.5, a person shall have met one of the following requirements with respect to practical experience before being admitted to take the examination for licensure:

- (1) Successful completion of one year of practical experience in the administration of a skilled nursing facility or intermediate care facility; or
 - (2) Satisfactory completion of one year of practical training and experience as an administrator-in-training in a nursing home as prescribed in section 16-90-37.
- (b) The following may be substituted for one year of practical administrative experience required under subsection (a)(1) or (2):
- (1) A master's degree from an accredited institution of higher education in one of the following areas, with specialization in health services administration;
 - (A) Public health;
 - (B) Business administration; or
 - (C) Hospital administration; or
 - (2) One year of administrative experience gained by the person in a health related area. [Eff and comp 4/4/88] (Auth: HRS §457B-6) (Imp: HRS §§457B-6, 457B-3.1)

§16-90-7.15 Qualifications as to fitness and suitability for admission to examination. (a) In addition to meeting the requirements in sections 16-90-7.5

and 16-90-7.10, and prior to being permitted to take the examination for licensure as a nursing home administrator, a person shall furnish evidence satisfactory to the board of being:

- (1) Over twenty-one years of age;
 - (2) Of good moral character;
 - (3) Able to understand and communicate general and technical information necessary to the administration and operation of a nursing home;
 - (4) Able to assume responsibilities for the administration of a nursing home as indicated by prior accredited activities, evaluation of prior services, and evidence obtained by the board;
 - (5) Able to relate the physical, psychological, spiritual, emotional, and social needs of ill or aged individuals to the administration of a nursing home, including executives of the nursing home, and to create the compassionate climate necessary to meet the needs of the nursing home's patients.
- (b) The following shall be considered for the purpose of determining the person's qualifications under subsection (a)(3), (4), and (5):
- (1) For persons currently in the field, a statement of work performance covering at least the calendar year preceding the date of application. The statement shall be on forms provided by the board and shall be from the person's employer or employers, including governing boards of the institutions. In the absence of an employer or governing board, the statement shall be obtained from the nursing home licensing agency; or
 - (2) For persons not currently in the field, a statement or statements on forms provided by the board:
 - (A) Of work performance from prior or present employers; or
 - (B) Evaluating the person's performance as an administrator-in-training;
- to assess whether the person has the essential knowledge and training required of a nursing home administrator.
- (c) The requirements of fitness and suitability set forth in this section are to be considered minimum requirements and shall not be waived.
- (d) A person applying for examination who has been convicted of a felony in any court of this State, any other state, or any court of the United States, shall not be admitted to take the examination provided for in this chapter unless the person shall first submit to and file with the board:
- (1) A certificate of good conduct granted by the board of parole; or

- (2) An equivalent statement or document, in the case of a conviction in any jurisdiction which does not provide for the issuance of a certificate of good conduct.
- (e) A person applying for examination who has been convicted of a misdemeanor (excepting minor traffic violations) shall not be admitted to or permitted to take the examination provided for in this chapter unless the person shall first submit to and file with the board:
 - (1) A certificate or letter of good conduct from the proper parole, probation, court or police authorities, wherein the conviction occurred; or
 - (2) An equivalent written statement or document.
- (f) The board may designate a time and place at which the person applying for examination may be interviewed as to the person's fitness and suitability. [Eff and comp 4/4/88] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

§16-90-8 Application for examination. An applicant for examination for a license as a nursing home administrator shall:

- (1) Apply in writing on forms that are:
 - (A) Provided by the board; and
 - (B) Notarized;
- (2) Apply at least two months prior to the examination;
- (3) Provide evidence satisfactory to the board that the applicant meets the pre-examination requirements provided for in chapter 457B, HRS, and this chapter; and
- (4) Submit with the application:
 - (A) Three letters, attesting to the applicant's good moral character, from individuals engaged in either business or the professions, who are not the applicant's relatives or employees; and
 - (B) A finished, unmounted photograph of the applicant which shall not be less than two and one-half inches nor more than three inches square, and which shall have been taken within three months prior to the date of the application. [Eff 1/8/71; am 6/14/80; am and ren §16-90-8, 7/30/81; am and comp 4/4/88] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

§16-90-9 Temporary permit. If a licensed nursing home administrator dies or is removed from the administrator's position for other unexpected cause, the

board may grant a temporary permit without examination to a responsible person designated by the nursing home, who possesses to the board's satisfaction adequate qualifications to be accepted for examination for a license as a nursing home administrator. The temporary permit shall not exceed one hundred twenty days except that it may be extended should the examination be held beyond this one hundred twenty day limit. Failure to pass the examination shall automatically void the temporary permit and the person designated shall not be eligible for any subsequent temporary permit. [Eff 7/14/72; am 6/14/80; am and ren §16-90-9, 7/30/81; am and comp 4/4/88] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

§16-90-10 Misrepresentation of material fact. Any misrepresentation of material fact by the applicant in the pre-examination requirements and qualifications in the application for examination as a nursing home administrator or any misrepresentation of material fact in the application for [issuance of] a temporary permit as a nursing home administrator[,] shall result in the denial of the [applicant for the examination or denial of the issuance of] application for examination or for a temporary permit as determined by the board. [Eff 6/14/80; am and ren §16-90-10, 7/30/81; am and comp 4/4/88; am and comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

SUBCHAPTER 3

CONDITIONAL ADMISSION TO EXAMINATION; DENIAL; REEXAMINATION

§16-90-14 Conditional [admission to] permission for examination; denial; reexamination. [(a) The board may conditionally admit to examination for license as a nursing home administrator, an applicant who on the date of a scheduled examination has not fully established the applicant's qualifications, if, in the judgment of the board, it appears that the applicant] (a) An applicant may be conditionally permitted to take the licensing examination for nursing home administrator if the applicant has not provided sufficient evidence of compliance with all requirements by the board's last meeting prior to the date of a scheduled examination and the board determines that the applicant has exhausted all possibilities of obtaining such evidence and is otherwise qualified. Unless the

applicant submits satisfactory evidence that the applicant [qualifies] qualified for examination within [thirty] sixty days following the date of the examination, the board shall notify the applicant that the applicant is not eligible for licensure.

(b) An applicant for examination whose application has been denied shall be given written notification by the board of the denial [and], the reasons therefor, and of the right to a hearing.

(c) An applicant for examination whose application has been denied may petition the board in writing for hearing relief pursuant to chapter 16-201, administrative practice and procedure, provided the petition for hearing relief is filed [within sixty days of the date of mailing of the letter informing the applicant of the denial of the application.] pursuant to section 91-13.1, HRS.

(d) An applicant for examination whose application has been denied, may submit a new application for qualification for examination, provided that the applicant shall be required to meet the requirements for licensing [as shall be] in force at the time of the reapplication. [Eff 1/8/71; am and ren §16-90-14, 7/30/81; am and comp 4/4/88; am and comp] (Auth: HRS §456B-6)
(Imp: HRS §457B-6)

SUBCHAPTER 4

EXAMINATION

§16-90-18 Examination. (a) Every applicant for a license as a nursing home administrator, after meeting the requirements for qualification for examination as set forth in subchapter 2, shall successfully pass a written examination which shall include, but need not be limited to, the following subjects:

- (1) Applicable standards of environmental health and safety;
- [(2)] Local health and safety regulations;
- [(3)](2) General administration;
- [(4)](3) Psychology of patient care;
- [(5)](4) Principles of medical care;
- [(6)](5) Personal and social care;
- [(7)](6) Therapeutic and supportive care and services to patients confined in a nursing home;
- [(8)](7) Departmental organization and management; and
- [(9)](8) Community interrelationships.

(b) Every [candidate] applicant for nursing home administrator license shall be required to pass the [two-part examination consisting of the] national examination for a nursing home administrator's license [and the Hawaii state

examination, covering the laws and rules governing the administration of nursing homes,] with a minimum scaled score [of seventy-five per cent in each of the two parts of the examination and may retake only the part or parts failed. If a candidate does not pass both parts after six examinations, within a three year period from the first eligible examination to which the candidate is admitted, the candidate shall retake the entire examination by submitting a new application for qualification for examination.] set forth by the National Association of Boards of Examiners of Nursing Home Administrators (NAB). [The candidate] If the applicant fails to pass the examination, upon reapplication the applicant shall be required to meet the requirements for the licensing examination, as set forth in subchapter 2, [which are] in force at the time of the reapplication. [Eff 1/8/71; am 6/14/80; am and ren §16-90-18, 7/30/81; am 8/12/82; am and comp 4/4/88; am and comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

SUBCHAPTER 5

STUDY PROGRAMS

§16-90-22 Registration of institutions and program of study. Any program of study offered by an educational institution, association, professional society, or organization for the purpose of qualifying applicants for licensure as nursing home administrators shall first be registered with the board on forms provided by the board. [Eff 1/8/71; am and ren §16-90-22, 7/30/81; am and comp 4/4/88; comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

§16-90-23 Approval of programs of study. (a) A program of study designed to train and qualify applicants for licensure as nursing home administrators, offered by any [accredited] university, school, or college accredited by a regional accreditation organization and recognized by the council on post-secondary accreditation or by the United States Department of Education, shall be deemed acceptable and approved for that purpose, provided that the program shall:

- (1) Have been registered with the board; and
- (2) Include the following general subject areas or their equivalents:
 - (A) Applicable standards of environmental health and safety;
 - [(B) Local health and safety regulations;
 - (C)] (B) General administration;
 - [(D)] (C) Psychology of patient care;
 - [(E)] (D) Principles of medical care;
 - [(F)] (E) Personal and social care;

- [(G)] (F) Therapeutic and supportive care and services to patients confined in a nursing home as defined in section 16-90-2;
- [(H)] (G) Departmental organization and management; and
- [(I)] (H) Community interrelationships[; and
- (3) Meet the academic requirements of the accredited institution of higher education for awarding of academic credit; or, the program is within the jurisdiction of an academic department of an accredited institution and does not offer academic credit].
- (b) Any program offered by an educational institution, [except as] not provided [under section 16-90-2] in subsection (a), or association, professional society, or organization [other than an accredited institution of higher education, shall] may be approved by the board, provided that the program shall:
 - (1) Have been registered with the board;
 - (2) Include the [following] same general subject areas as provided for in subsection (a) or their equivalents[:
 - (A) Applicable standards of environmental health and safety;
 - (B) Local health and safety regulations;
 - (C) General administration;
 - (D) Psychology of patient care;
 - (E) Principles of medical care;
 - (F) Personal and social care;
 - (G) Therapeutic and supportive care and services to patients confined in a nursing home;
 - (H) Departmental organization and management; and
 - (I) Community interrelationships]; and
 - (3) Together with the faculty assignments, be submitted to the board for approval no later than sixty days prior to anticipated registration of students.
- (c) Upon completion of [an approved] a board-approved program of study, the sponsor or sponsors of the program shall issue a certificate of satisfactory completion or other written evidence of attendance satisfactory to the board. [Eff 1/8/71; am 7/14/72; am 6/14/80; am and ren §16-90-23, 7/30/81; am 8/12/82; am and comp 4/4/88; am and comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

§16-90-24 Certification of programs of study for Federal financial participation. Programs of study shall be certified by the board in a manner consistent with the requirements of [section] Section 1908 of the United States Social Security Act in order to qualify for Federal financial participation. [Eff

1/8/71; am and ren §16-90-24, 7/30/81; am and comp 4/4/88; am and comp] (Auth: HRS §457B-6) (Imp: §457B-6)

SUBCHAPTER 6

RECIPROCITY

§16-90-28 Conditions. Subject to the law and this chapter prescribing the qualifications for a nursing home administrator license, the board may endorse, without examination, a nursing home administrator license issued by the proper authorities of any other state, upon payment of a fee, which fee shall be the same as in licensure by examination, and upon submission of evidence satisfactory to the board that:

- (1) The other state maintains a system and standard of qualification and examination for a nursing home administrator license, which are substantially equivalent to those required by chapter 457B, HRS, and this chapter;
- [(2) The other state gives similar recognition and endorsement to nursing home administrator licensees of this State;
- (3) The applicant for endorsement is familiar with State and local health and safety regulations related to nursing homes; and]
- (2) A form provided by the board has been signed by the applicant and notarized to verify that the applicant has studied and understands chapter 94 implemented by the department of health which relates to local health and safety regulations; and
- [(4)] (3) The applicant for endorsement holds a valid current license as a nursing home administrator [which] and the applicant has not been [revoked or suspended] disciplined or the license restricted in [each state from] any of the states in which the applicant has ever received a nursing home administrator license or reciprocal endorsement. [Eff 1/8/71; am and ren §16-90-28, 7/30/81; am and comp 4/4/88; am and comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

§16-90-29 Revocation, suspension of endorsed licenses. The board shall have the power to revoke or suspend the endorsement of a nursing home administrator license issued to any person upon evidence satisfactory to the board that the person's license has been [revoked or suspended] disciplined by the duly

constituted authorities of any state. The licensee shall be given due notice of the board's action and an opportunity to be heard at a formal hearing. [Eff 1/8/71; am and ren §16-90-29, 7/30/81; am and comp 4/4/88; am and comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

SUBCHAPTER 7

LICENSE RENEWAL

§16-90-33 License renewal. A nursing home administrator's license shall expire on June 30 of each even-numbered year and shall be renewed by applying on a form provided by the board, and accompanied by the renewal fee. [Eff 7/14/72; am 6/14/80; am and ren §16-90-33, 7/30/81; am 8/12/82; am and comp 4/4/88; comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

§16-90-34 Restoration. Any licensee whose license has been forfeited pursuant to section 457B-9, HRS, may restore the license within three years after forfeiture upon written application and payment of all delinquent fees [plus] along with a penalty fee and evidence of participation in ten hours of educational programs for each year of forfeiture[, in the areas of]. These educational programs shall be in the subject areas enumerated in section 16-90-23(a)(2) by means of academic study and participation in workshops, seminars, conferences, and other training programs[, in the subject areas enumerated in section 16-90-23(a)(2)]. [Eff 8/12/82; am and comp 4/4/88; am and comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

SUBCHAPTER 8

PRACTICAL TRAINING AND EXPERIENCE

§16-90-37 Administrator-in-training programs. (a) Every [candidate for licensure as a nursing home administrator] applicant seeking to meet the requirements of section 16-90-7.10(2) shall register with the board on a prescribed form no later than two weeks prior to beginning the nursing home administrator-in-training internship [for the purpose of obtaining practical training and experience as required by this chapter].

(b) No application for registration as a nursing home administrator-in-training shall be approved unless the applicant;

- (1) Is [at least twenty-one years of age] age of majority or older;
 - [(2) Has completed high school and has successfully completed a course of study for and has been awarded a baccalaureate degree from an accredited institution of higher education;
 - (3)](2) Has [met all the pre-examination requirements set forth in] complied with sections 16-90-7.5 and 16-90-7.10, except the requirement for one year of practical experience set forth in section [16-90-10] 16-90-7.10 and all the qualifications set forth in section 16-90-7.15 for examination for licensure as a nursing home administrator.
- (c) An application for registration as a nursing home administrator-in-training shall not be approved unless the applicant submits evidence satisfactory to the board that:
- (1) The training shall include both practical experience and pertinent academic study;
 - (2) The training shall be for at least 2,080 hours and include responsibilities for planning, organizing, directing, and controlling the operation of the nursing home;
 - (3) The training shall be under the [full-time] supervision of a licensed nursing home administrator and shall be of a grade and character satisfactory to the board; the nursing home administrator trainer shall submit a course outline with specific behavioral objectives;
 - (4) The training [is to] shall be obtained in a duly licensed nursing home having authorized bed capacity of not less than fifty beds. However, the board may make an exception for a nursing home with bed capacity of less than fifty, provided the board is satisfied that the nursing home has adequate facilities and personnel to afford proper training;
 - (5) The trainee shall be [a full-time] an employee and serve at least fifty per cent of the training hours between the hours of seven a.m. and ten p.m.
- (d) The nursing home administrator trainer shall submit quarterly performance evaluation reports to the board for the applicant's personal central file. [Eff 7/14/72; am 6/14/80; am and ren §16-90-37, 7/30/81; am and comp 4/4/88; am and comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

SUBCHAPTER 9

REVOCATION AND SUSPENSION

§16-90-41 Statutory provisions. A nursing home administrator who fails to comply with or violates [chapter] chapters 457B, HRS, 436B, HRS, [and] or this chapter may have the administrator's license revoked or suspended by the board. [Eff 6/14/80; am and ren §16-90-41, 7/30/81; am and comp 4/4/88; am and comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

§16-90-42 Grounds for disciplinary sanctions. Violation of the following standards of conduct shall result in revocation or suspension of a nursing home administrator's license:

- (1) The nursing home administrator shall not alter in any way the physician's order for any patient's or resident's medical or therapeutic care unless the orders are hazardous to the patient or resident, in which case the physician shall be immediately notified;
- (2) The nursing home administrator shall not defraud any Federal, State, local, or social agency, business or individual in the operation of the nursing home;
- (3) The nursing home administrator shall not wilfully depart from the Federal, State, and local requirements and regulations related to the operation and maintenance of the nursing home;
- (4) The nursing home administrator shall not fraudulently advertise the services of the nursing home; and
- (5) The nursing home administrator shall not misrepresent material facts for the renewal of the administrator's license. [Eff 6/14/80; am and ren §16-90-42, 7/30/81; am and comp 4/4/88; comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

§16-90-43 Additional grounds for disciplinary sanctions. In addition to any other listed causes for sanctions, the board may take action against [an applicant or] a licensee for any of the following causes:

- (1) Submitting to or filing with the board any notice, statement, or other document required under this chapter, which is false or untrue or contains any material misstatement of fact; and
- (2) Failure to report to the board any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final. [Eff and comp 4/4/88; am and comp] (Auth: HRS §457B-6) (Imp: HRS §457B-6)

SUBCHAPTER 10

PRACTICE AND PROCEDURE

§16-90-46 Administrative practice and procedure. The rules of practice and procedure for nursing home administrator shall be as provided in chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs which are incorporated herein by reference and made a part of this chapter. [Eff and comp 4/4/88; am and comp]
(Auth: HRS §§91-1, 457B-6) (Imp: HRS §§91-2, 457B-6)

[SUBCHAPTER 11

ORAL TESTIMONY

§16-90-50 Oral testimony. (a) The board shall accept oral testimony on any item which is on the board's agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony shall so notify the board not later than forty-eight hours prior to the meeting, and at that time shall state the item on which testimony is to be presented;
 - (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
 - (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
 - (4) Persons presenting oral testimony shall identify themselves and the organization, if any, that they represent at the beginning of the testimony;
 - (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
 - (6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.
- (b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the

subject of another proceeding pending subject to the hearings relief, declaratory relief, or rule relief provisions of chapter 16-201.

(c) Nothing in this section shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda.] [Eff and comp 4/4/88; R _____] (Auth: HRS §§92-3, 457B-6) Imp: HRS §92-3)

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

3. Additions to update source notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 16-90, Hawaii Administrative Rules, shall take effect ten days after filing with the office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ and filed with the Office of the Lieutenant Governor.

MARK K. ONO, Chairperson
Board of Examiners of Nursing
Home Administrators

APPROVED AS TO FORM:

Deputy Attorney General

Amendments to and compilation of chapter 16-90, and repeal of chapter 16-155, Hawaii Administrative Rules, on the Summary Page dated February 11, 1988, were adopted on February 11, 1988, following a public hearing held on the same date, after public notice was given in the Honolulu Star-Bulletin and the Honolulu Advertiser on January 17, 1988.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Abe Sakai
ABE SAKAI, Chairman
Board of Examiners of Nursing
Home Administrators

APPROVED AS TO FORM: Date 3/7/88

/s/ Wilfred K.T. Pong
Deputy Attorney General

APPROVED: Date 3/7/88

/s/ Robert A. Alm
ROBERT A. ALM
Director of Commerce and Consumer Affairs

APPROVED: Date 3/24/88

/s/ John Waihee
JOHN WAIHEE
Governor

March 21, 1988
Filed

Amendment and Compilation of Chapter 16-90
Hawaii Administrative Rules

1. Chapter 16-90, Hawaii Administrative Rules, entitled "Nursing Home Administrators" is amended and compiled to read as follows:_____

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendments and Compilation of Chapter 16-90
and Repeal of Chapter 16-155
Hawaii Administrative Rules

February 11, 1988

SUMMARY

1. Title amended.
2. §§16-90-1 to 16-90-3 are amended.
3. §16-90-7 is repealed.
4. §§16-90-7.5, 16-90-7.10 and 16-90-7.15 are added.
5. §§16-90-8 to 16-90-10 are amended.
6. §16-90-14 is amended.
7. §16-90-18 is amended.
8. §§16-90-22 to 16-90-24 are amended.
9. §§16-90-28 and 16-90-29 are amended.
10. §§16-90-33 and 16-90-34 are amended.
11. §16-90-37 is amended.
12. §§16-90-41 and 16-90-42 are amended.
13. §16-90-43 is added.
14. A new subchapter 10 (§16-90-46) is added.
15. A new subchapter 11 (§16-90-50) is added.
16. Chapter 90 is compiled.
17. Chapter 16-155 is repealed.

This material can be made available for individuals with special needs. Please call the Program Specialist, Professional and Vocational Licensing Division, DCCA, at 586-2692, to submit your request.