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Between Facilities:  
Proposal for Policy Change**

On March 31<sup>st</sup>, several assisted living providers and staff members from the Idaho Health Care Association met with Department staff to negotiate changes in policy related to the ability of facilities to share a licensed administrator. For each of the following issues related to sharing administrators, the draft negotiated policy is described. The draft policy also incorporates feedback the Department received from providers, advocates, and other stakeholders the Department surveyed in early January 2014 as well as input from Department staff who inspect assisted living facilities as part of the Residential Assisted Living Facilities (RALF) program.

**Issues to Consider:**

***Issue #1:***

***Whether or not this allowance really needs to be a variance since the statute clearly allows this practice conditional on an approved plan of care.***

**Negotiated Policy:**

**39-3354, Idaho Code, states “...a temporary variance or permanent waiver of a specific standard may be granted in the event that good cause is shown for such a variance or waiver and providing that a variance or waiver of a standard does not endanger the health and safety of any resident.**

**39-3321, Idaho Code, states “Multiple facilities under one (1) administrator may be allowed by the department based on an approved plan of operation.”**

**Statute does establish a standard that multiple facilities may operate under one administrator with a Department-approved plan of operation, so there is no need for a variance.**

***Issue #2:***

***Number of facilities or beds allowed under one administrator***

**Negotiated Policy:**

Based on an approved plan of operation, the Department will allow one licensed administrator to oversee up to three facilities if all facilities have 16 or fewer beds.

Based on an approved plan of operation, the Department will allow one licensed administrator to oversee two facilities if either of the facilities has more than 16 beds but less than 50 beds, and the combined beds of both facilities does not exceed 80.

Each facility with 50 or more beds must have one licensed full-time administrator. Facilities with 50 or more beds will not be permitted to share administrators.

Additionally, none of the facilities sharing an administrator can have any unresolved core issues. The administrator being considered to oversee more than one facility must have an established record of compliance, including no repeat deficiencies, no enforcement actions, a history of submitting acceptable plans of correction and evidence of resolution of deficiencies within the timelines established by rule. The administrator's record must include at least two years' experience as a licensed Administrator in Idaho.

***Issue #3:***

***Number of hours per week the administrator must be at each facility.***

Negotiated Policy:

For facilities with 16 or fewer beds, the administrator must be on-site at each facility for least 10 hours per week. Facility records must include documentation of the number of hours per week the administrator is on-site.

For facilities with more than 16 beds, the administrator must be on-site at each facility for least 15 hours per week. Facility records must include documentation of the number of hours per week the administrator is on-site.

***Issue #4:***

***Distance from facilities or response time.***

Negotiated Policy:

Facilities sharing administrators must not be more than 75 miles from the administrator's primary residence. No two facilities sharing an administrator can be more than 2 hours driving distance from each other.

***Issue #5:***

***On site supervision when the administrator is not at the facility.***

Negotiated Policy:

The plan of operation for sharing administrators must include full-time on-site supervision by trained and experienced staff. The plan of operation must include who specifically will provide on-site management of the facility when the administrator is not

on-site and how that individual is qualified to provide on-site management in the administrator's absence.

**Issue #6:**

**Conditions under which the Department would revoke the ability to share administrators.**

Negotiated Policy:

The ability to share administrators will be revoked if the conditions of the approved plan of operations are not met. The ability to share administrators would also be revoked if any of the facilities included in the approved plan of operation received repeat deficiencies, enforcement actions, failed to submit acceptable plans of correction and evidence of resolution within the timeframes established by rule. If the facility disagrees with the reasons for the revocation of the ability to share administrators, the facility can request an administrative review. The request must be in writing, must be received within 28 days of the date of the Department's revocation letter and must state the specific reasons for disagreement with the Department's revocation action. The Department has 30 days from the date of the request for administrative review to issue a final decision.

**Issue #7:**

**Exemption for combined NH/RALF when the administrator is licensed dually for both facilities.**

Negotiated Policy:

A skilled nursing facility and an assisted living facility can share an administrator if the two facilities are on the same property/campus, and the assisted living facility has less than 50 beds. The administrator must be licensed as both a Nursing Home Administrator and a Residential Care Facility Administrator.

**Issue #8:**

**What if any role Idaho Bureau of Occupational Licensing has in this issue.**

Negotiated Policy:

If we do not establish a new type of occupation or position with specific credentials or requirements, there would be no role for the Bureau of Occupational Licensing. The Bureau would continue to have a role in all activities related to the licensing of individual Residential Care Facility Administrators.

## Additional Information

How do neighboring states handle shared administrators? This was a question asked by a few of the facility operators who responded to the on-line survey we sent in January 2014.

According to each state's published regulations concerning assisted living facilities:

<b>State</b>	<b>Rule</b>
Arizona	Administrator can be shared between no more than two health care institutions located no more than 40 miles apart
Montana	Each facility must have a licensed administrator. Rules don't allow sharing administrators between facilities.
Oregon	Licensed administrator must be on-site at the facility at least 40 hours per week.
Utah	Each facility must have a licensed administrator. Rules don't allow sharing administrators between facilities.
Washington	Each facility must have a licensed administrator. Rules don't allow sharing administrators between facilities.
Wyoming	Each facility must have a licensed administrator. Rules don't allow sharing administrators between facilities.