ALABAMA BOARD OF EXAMINERS OF ASSISTED LIVING ADMINISTRATORS ADMINISTRATIVE CODE

CHAPTER 135-X-7
LICENSE INFORMATION

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135-X-7-.01 Licenses.

(1) A provisional Category I Assisted Living Administrator license shall be issued to Board approved applicants who pass Section A of the Category I examination. This provisional license qualifies the licensee to temporarily administer an assisted living facility, as defined in Rule No. 135-X-2-.01(e) of these Rules and Regulations, until the provisional license expires and becomes void nine (9) months from the date issued by the Board, or the provisional license becomes void upon the denial of an initial application. A provisional Category I licensee who completes the required classroom training as set forth in Rule No. 135-X-5-.01(2)(a) of these Rules and Regulations and passes Section B of the Category I examination, shall be issued a Category I Assisted Living Administrator license. This license shall qualify the licensee to administer an assisted living facility and must be renewed annually.

(2) A provisional Category II Assisted Living Administrator license shall be issued to Board approved applicants who pass Section A of the Category II examination. This provisional license qualifies the licensee to temporarily administer an assisted living facility or a specialty care assisted living facility or a combination facility, as defined in Rule No. 135-X-2-.01(e) and (o), until the provisional license expires and becomes void nine (9) months from the date issued by the Board, or the provisional license becomes void upon the denial of an initial application. A provisional Category II licensee who completes the required classroom training as set forth in Rule No. 135-X-5-.01(2)(b) and passes Section B of the Category II examination, shall be issued a Category II Assisted Living Administrator license. This license shall qualify the licensee to administer an assisted living facility or a specialty care assisted living facility or a combination facility and must be renewed annually.

(3) Every individual who holds a valid current Category I or Category II Assisted Living Administrator license issued by the Board under this Chapter shall immediately upon issuance have the right and privilege of acting and serving as an assisted living administrator and using the abbreviation "A.L.A." after their name. Thereafter, the individual shall annually be required to make application to the Board for a renewal of license and to report any facts requested by the board on forms provided for that purpose. All license renewals will be issued and are due on the last day of the month in which the license expires.

(4) Thirty (30) days prior to the renewal date of the license, the Board shall issue a letter and application for renewal of license to the licensee. Upon making an application for a renewal of license, the individual shall pay an annual fee as determined by the Board, and at the same time shall submit evidence satisfactory to the Board that during the year immediately preceding application for renewal, he or she has complied with the requirements of the Board concerning the continuing education of an assisted living administrator as provided in Rule No. 135-X-6-.01, paragraph (1) of these Rules and Regulations. The required continuing education hours must be completed by the renewal date of the license.

(a) Any person currently employed at an assisted living facility is authorized to apply for license renewal only if said facility that employs the licensee is licensed by the Alabama Department of Public Health.

(5) Upon receipt of the application for renewal of license, the renewal fee, and the evidence required with respect to continuing education, the Board shall issue a letter and renewal card to the assisted living administrator.

(6) Failure to secure an annual renewal of a license based on a failure to meet the continuing education requirements shall result in the expiration of the license. An expired license may not be "reactivated". All persons holding an expired license shall be required to submit a new application and follow all procedures for licensure of a new applicant. In addition, any applicant whose license has previously expired is subject to the payment of a reapplication fee.

(7) A licensee who complies with the continuing education requirements but does not renew within ninety (90) days following its due date shall be deemed delinquent and may renew within the ninety (90) day period by paying a late renewal fee established by the Board. A license that is not renewed within the ninety (90) day period shall be deemed expired, and is subject to reapplication as provided in Rule No. 135-X-7-.01, paragraph (6) of these Rules and Regulations.

(8) A licensee who holds a current license and who is not practicing as an assisted living administrator may place that license into an "inactive status" upon written application to the Board. Any licensee whose license has been placed on inactive status may not engage in the practice of assisted living administration. A licensee whose license is on an inactive status who wishes to "reactivate" that license may do so by making application to the Board. The applicant shall attach proof of having completed twice the annual hours' requirement of approved continuing education credits, (twenty-four (24) credits for Category I Assisted Living Administrator license and thirty-six (36) credits for Category II Assisted Living Administrator license, twelve (12) of which shall be on cognitive impairment and/or dementia care), within one year prior of making application for license reactivation, and shall pay a reactivation fee established by the Board. A licensee may not have his/her license in inactive status for more than five years. After five years in inactive status, the license automatically expires.

(9) Only an individual who has qualified as a licensed and registered assisted living administrator who holds a current license shall have the right and privilege of using the title "Assisted Living Administrator", and have the right and privilege of using the abbreviation "A.L.A." after their name. No other person shall use or shall be designated by such title or such abbreviation or any other works, letters, signs, cards, or device tending to or intended to indicate that such person is a licensed assisted living administrator.

(10) A person who has a license in good standing in this state, and continuously maintains such license, as a licensed nursing home administrator, or who is an administrator/chief executive officer of an acute care hospital, shall be exempt from the licensure requirement herein, if such person, at the time of application, has responsibility for administration of an assisted living facility subject to the following conditions:

(a) If the person wishes to be issued an assisted living administrator license, he/she shall pay an annual administrative fee as determined by the Board and document initially and annually thereafter the good standing of the nursing home administrator license or their continued employment as an administrator/chief executive officer of an acute care hospital.

(b) Any assisted living administrator license issued to a person who has a license in good standing in this state, and continuously maintains such license, as a licensed nursing home administrator or who is an administrator/chief executive officer of an acute care hospital and has responsibility for administration of an assisted living facility shall become void if the requisite nursing home administrator license

becomes void or if the person no longer is the administrator/ chief executive officer of a hospital.

(c) Any assisted living administrator license issued according to paragraph (9) of this Chapter shall become "inactive" as described in paragraph (7) of this Chapter if the licensee no longer has responsibility for administration of an assisted living facility. After twelve (12) months in "inactive" status, the assisted living administrator license shall expire and become void.

(d) If such person as described in paragraph (9) does not wish to be issued an assisted living administrator license, he/she shall initially and annually provide the Board documentation of the good standing of their nursing home administrator license or their continued employment as an administrator/ chief executive officer of an acute care hospital.

(e) If such person according to paragraph (9)(d) of this Chapter is unable to provide documentation of the good standing of the nursing home administrator license or employment as an administrator/chief executive officer of an acute care hospital, and continues to have responsibility for administration of an assisted living facility, he/she shall be subject to the application for examination and licensure in Rule No. 135-X-5 of these Rules and Regulations; provided that such person shall not continue to manage an assisted living facility or specialty care assisted living facility unless he/ she receives a license issued by this Board, or provides written evidence of good standing as a licensed nursing home administrator by the Board of Examiners of Nursing Home Administrators, or provides proof of employment as an administrator/chief executive officer of an acute care hospital.

(11) The Board shall maintain a file of all applications for licensure that includes the following information on each applicant: residence, name, age, the name and address of his/her employer or business connection, the date of application, educational and experience qualification, action taken by the Board, serial numbers of licenses issued to the applicant, and the date on which the Board acted on or reviewed the application.

(12) The Board shall maintain a list of current licensees of the Board, and shall furnish the list on demand to any person who pays a fee established by the Board. The State Department of Public Health and other state agencies with a direct need shall be provided copies at no cost.

(13) If an assisted living administrator's license card is stolen, lost or misplaced, a replacement license fee will be due to receive a new license card.

Author: Theresa Jordan

Statutory Authority: Code of Ala. 1975, §34-2A-1-16.
History: New Rule: Filed November 8, 2002; effective December 13, 2002. **Amended:** Filed October 9, 2003; effective November 13, 2003. **Amended:** Filed September 29, 2008; effective November 3, 2008. **Amended:** Filed April 17, 2009; effective May 22, 2009. **Amended:** Filed January 15, 2010; effective February 19, 2010. **Amended:** Filed June 4, 2010; effective July 9, 2010. **Amended:** Filed August 14, 2015; effective September 18, 2015.

135-X-7-.02 Refusal, Suspension, Revocation Of License, And Disciplinary Proceedings.

(1) The license or the emergency permit of any person practicing or offering to practice assisted living administration may be revoked or suspended by the Board, or such person may be reprimanded, censured, or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of the following cases:

(a) Upon proof that such person has violated any of the provisions of these rules and regulations, or the laws enacted in accordance therewith;

(b) Upon proof that such person has acted in a manner deemed to be detrimental to the lives, health, safety, or welfare of the residents of any assisted living facility or healthcare facility in this state or any other jurisdiction;

(c) Upon proof that such person's conduct is immoral, unprofessional or dishonorable;

(d) Upon proof that that such person is guilty of fraud or deceit in the practice of assisted living administration, or in his or her admission to such practice;

(e) Upon proof that such person has been convicted in a court of competent jurisdiction, either within or without the state, of a crime involving moral turpitude;

(f) Upon conviction in this state or any other jurisdiction of any crime involving fraud;

(g) Upon conviction in this state or any other jurisdiction of a felony or any misdemeanor involving the physical, sexual, mental, or verbal abuse of an individual;

(h) Has violated any of the provisions of the law pertaining to the licensing of assisted living administrators or the rules and regulations of the Board pertaining thereto;

(i) Has violated any of the provisions of the law, code, rules or regulations of the licensing or supervising authority or agency of the State or political subdivision thereof having jurisdiction of the operation and licensing of assisted living facilities;

(j) Has been convicted of a crime, except a petty traffic offense as defined in Rule No. 135-X-2-.01, paragraph (i) of these Rules and Regulations;

(k) Is incompetent to engage in the practice of assisted living administration or to act as an assisted living administrator;

(l) Is addicted to or dependent upon any drug, legal or illegal (prescription or street), that impairs such licensee's ability to function as an assisted living administrator;

(m) Has paid, given or caused to be paid or given, or offered to pay or to give any person a commission or other valuable consideration for the solicitation or procurement, either directly or indirectly, of assisted living residents as regards any third party reimbursement such as, but not limited to: State/Federal Medicaid waivers, Veterans Administration benefits, or long term care insurance;

(n) Has been guilty of fraudulent, misleading, or deceptive advertising;

(o) Has failed to exercise true regard for the safety, health and life of the resident;

(p) Has permitted unauthorized disclosure of information relating to a resident or his/her records;

(q) Has discriminated in respect to residents, employees, or staff on account of race, religion, or national origin;

(r) Has given false or untrue information to the Board or its officers or agents in his/her application for renewal, or has given false or untrue information to the Board or its officers or agents regarding matters before the Board, or its officers or agents or has refused to give information when lawfully required to do so by the Board or its officers or agents;

(s) Has entered into a plea of nolo contendere, nolo contender, no contender, no contest, or in a case involving a lewd or lascivious act against a child or an adult, inappropriate sexual conduct with a child or an adult, or any other crime in which the punishment could include a sentence of imprisonment exceeding one year.

(2) At such hearing, the person who is subject to suspension, reprimand, revocation, or other disciplinary action by the Board may be advised by counsel at his/her own choosing and expense, who shall file a Notice of Appearance with the Board in writing at least fifteen (15) days prior to date of hearing.

(3) The Board shall have the jurisdiction to hear all charges brought under the provisions of this section against any person having been issued a license as an assisted living administrator or having been issued a license as a provisional assisted living facility administrator; and upon such hearings shall determine the charges upon their merits. If the board determines that disciplinary measures should be taken, the Board may revoke his or her license, suspend him or her from practice, or reprimand, censure or otherwise discipline such person.

(4) All proceedings under this section shall be heard by the Board with at least a quorum of its members present, and decisions to discipline any licensee shall require a vote of two thirds of the members present.

(5) At any hearing under this chapter, the person charged shall appear in person and may be represented by counsel to produce witnesses and evidence in his/her own behalf, and to cross-examine witnesses. The Board or hearing committee is authorized to issue subpoenas, administer oaths and take testimony concerning all matters within the jurisdiction of the board, pursuant to the Alabama Procedures Act, Section 41-22-12(c). The circuit court of the county wherein said hearing is to take place shall have the authority, on application of the Board, to enforce obedience to said subpoenas and orders of the board concerning such testimony.
Author: Theresa Jordan
Statutory Authority: Code of Ala. 1975, §34-2A-1-16.
History: **New Rule:** Filed November 8, 2002; effective December 13, 2002. **Amended:** Filed October 9, 2003; effective November 13, 2003. **Amended:** Filed October 15, 2008; effective November 19, 2008. **Amended:** Filed October 16, 2013; effective November 20, 2013. **Amended:** Filed August 14, 2015; effective September 18, 2015.

135-X-7-.03 Prohibited Acts: Penalties.

(1) It shall be a misdemeanor for any person to:

(a) Sell or fraudulently obtain or furnish any license or aid or abet therein;

(b) To practice as an assisted living administrator under cover of any license illegally or fraudulently obtained or unlawfully issued;

(c) Practice as an assisted living administrator or use in connection with his or her name any designation tending to imply that he or she is an assisted living administrator unless duly licensed to so practice under the provisions of these Rules and Regulations;

(d) Practice as an assisted living administrator or use in connection with his or her name any designation tending to imply that he or she is an assisted living administrator during the time his or her license issued under the provisions of these Rules and Regulations shall be expired, suspended, revoked; or

(e) Otherwise violate any of the provisions of these Rules and Regulations or the State licensing act.

(2) Such violation of the State licensing act or these Rules and Regulations shall be a Class C misdemeanor punishable as provided by law.
Author: Theresa Jordan
Statutory Authority: Code of Ala. 1975, §34-2A-1-16.
History: New Rule: Filed November 8, 2002; effective December 13, 2002. **Amended:** Filed October 9, 2003; effective November 13, 2003.

135-X-7-.04 Restoration Of License.

The Board may, for good cause shown, upon such terms as the Board may prescribe, reissue a license to any person whose license has been revoked.
Author: Theresa Jordan
Statutory Authority: Code of Ala. 1975, §34-2A-1-16.
History: New Rule: Filed November 8, 2002; effective December 13, 2002. **Amended:** Filed October 9, 2003; effective November 13, 2003.

135-X-7-.05 Administrator-In-Training.

(1) Only individuals who have been pre-approved by the Board may use the title "Administrator-In-Training".

(2) Any preceptor (as defined in 135-X-2-.01(r)) who allows or is shown to have known that an AIT was using the title "Administrator" or holding himself or herself out as on "Administrator" of a facility may be subject to disciplinary action by the Board.

(3) Any AIT who holds himself or herself out as a licensed administrator, rather than an "Administrator-In-Training" is

subject to having his or her information forwarded to the local district attorney for prosecution pursuant to Code of Ala. 1975, Section 34-2A-15.
Author: Amy Findley
Statutory Authority: Code of Ala. 1975, §34-2A-1-16.
History: **New Rule:** Filed October 17, 2012; effective November 21, 2012.