

APA-1  
07/04

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 135 Department or Agency Board of Examiners of Assisted Living Administrators  
Rule No. 135-X-5-.02 (1) (a) (5) (a) and 135-X-5-.02 (1) (b) (5) (a)  
Rule Title: Pre-Examination Requirement and Conditions Precedent  
New X Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference \_\_\_\_\_

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NA

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? NA

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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

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Certification of Authorized Official  
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Amy Fudley

Date 11.13.12

(DATE FILED)  
(STAMP)

APA-2  
07/04

**Board of Examiners of Assisted Living Administrators**  
**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Board of Examiners of Assisted Living Administrators

**RULE NO. & TITLE:** 135-X-5-.02 (1) (a) (5) (a) and 135-X-5-.02 (1) (b) (5) (a)  
Pre-Examination Requirement and Conditions Precedent

**INTENDED ACTION:** Amend the above referenced rule.

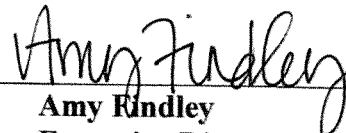
**SUBSTANCE OF PROPOSED ACTION:** The Board of Examiners of Assisted Living Administrators proposes to amend Rule 135-X-5-.02 (1) (a) (5) (a) and 135-X-5-.02 (1) (b) (5) (a) by deleting the following language:

All Applicants must submit a business license for any facility in which he/she is employed.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** The Board of Examiners of Assisted Living Administrators will hold a public hearing to hear written comments from 10:00 am until 11:00 am on January 11, 2013. The public hearing will be held in the conference room of the ALAA Office, 5921 Carmichael Road, Montgomery, Alabama.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** The date for completion of notice is January 10, 2013.

**CONTACT PERSON AT AGENCY:** The contact person for the Board of Examiners of Assisted Living Administrators is: Amy Findley, Executive Director, 5921 Carmichael Road, Montgomery, Alabama, 36117. The phone number is (334) 271-2418.

  
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**Amy Findley**  
**Executive Director**

(4) Official documents and records of the Board shall be retained; however, at the discretion of the Board may be reduced to microfilm or other appropriate methods of retention.

**Author:** Theresa Jordan.

**Statutory Authority:** Code of Ala. 1975, Section 34-2A-1-16.

**History:** September 16, 2002. Amended: November, 13, 2003.

135-X-5-.02 Pre-Examination Requirement and Conditions Precedent.

(1) Except as otherwise provided in paragraph (2) hereof, no person shall be admitted to or be permitted to take the Category I or Category II Assisted Living Administrator Licensure examination unless the person submits the following evidence satisfactory to the Board.

(a) For a Category I Assisted Living Administrator license, as set forth in Rule No. 135-X-7-.01 paragraph (1):

1. The person must be at least nineteen (19) years of age.
2. The person must be of good moral character.
3. The person must be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.
4. The person must have a high school diploma or GED from a school approved and recognized by the educational authorities of the state in which such school is located or a political subdivision thereof, or has submitted a certificate indicating that he/she has obtained high school. GED, or secondary school equivalency, such certificate being duly certified by a state educational authority or a political subdivision thereof.
5. The person must provide verification of either:
  - (i) a high school diploma or GED from a school approved and recognized by the educational authorities of the state in which such school is located or a political subdivision thereof, or has submitted a certificate indicating that he/she has obtained high school. GED, or secondary school equivalency, such certificate being duly certified by a state educational authority or a political subdivision thereof plus one (1) year of experience working fulltime in an administrative or resident or patient care position in a licensed assisted living facility, nursing home, hospital, or residential care setting for the elderly or disabled within two (2) years preceding date of application for administrator licensure, and an endorsement from the administrator, owner, or governing authority of such facility; or
  - (ii) completion of at least two years (60 semester hours or 96 quarter hours) of coursework at an accredited college or university plus at least three (3) months of experience working fulltime in an administrative or resident or patient care position in a

licensed assisted living facility, nursing home, hospital, or residential care setting for the elderly or disabled within two (2) years preceding date of application for administrator licensure, or a minimum of two-hundred forty (240) hours in the AIT program within two (2) years preceding date of application for administrator licensure.

~~(a). All Applicants must submit a business license for any facility in which he/she is employed.~~

6. As an alternative to the pre-examination experience or internship requirement of paragraph (1)(a)5.(ii) above, the person may substitute verification of at least three (3) months of experience working fulltime in an administrative or resident or patient care position in a licensed assisted living facility, nursing home, hospital, or residential care setting for the elderly or disabled, or a minimum of two-hundred forty (240) hours in the AIT Program within six (6) months of passing Section A of the Category I Assisted Living Administrator Licensure exam.

(b) For a Category II Assisted Living Administrator license, as set forth in Rule No. 135-X-7-.01 paragraph (2):

1. The person must be at least nineteen (19) years of age.
2. The person must be of good moral character.
3. The person must be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.
4. The person must have a high school diploma or GED from a school approved and recognized by the educational authorities of the state in which such school is located or a political subdivision thereof, or has submitted a certificate indicating that he/she has obtained high school. GED, or secondary school equivalency, such certificate being duly certified by a state educational authority or a political subdivision thereof.
5. The person must provide verification of either:
  - (i) a high school diploma or GED from a school approved and recognized by the educational authorities of the state in which such school is located or a political subdivision thereof, or has submitted a certificate indicating that he/she has obtained high school. GED, or secondary school equivalency, such certificate being duly certified by a state educational authority or a political subdivision thereof plus one (1) year of experience working fulltime in an administrative or resident or patient care position in a licensed assisted living facility, nursing home, hospital, or residential care setting for the elderly or disabled within two (2) years preceding date of application for administrator licensure, and an endorsement from the administrator, owner, or governing authority of such facility; or
  - (ii) completion of at least two years (60 semester hours or 96 quarter hours) of coursework at an accredited college or university plus three (3) months of experience

working fulltime in an administrative or resident or patient care position in a licensed assisted living facility, nursing home, hospital, or residential care setting for the elderly or disabled within two (2) years preceding date of application for administrator licensure, or a minimum of two-hundred forty (240) hours in the AIT program within two (2) years preceding date of application for administrator licensure.

~~(a).—All Applicants must submit a business license for any facility in which he/she is employed.~~

6. As an alternative to the pre-examination experience or AIT program requirement of paragraph (1)(b)5 (ii) above, the person may substitute verification of three (3) months of experience working fulltime in an administrative or resident or patient care position in a licensed assisted living facility, nursing home, hospital, or residential care setting for the elderly or disabled, or a minimum of two-hundred forty (240) hours in the AIT program within six (6) months of passing Section A of the Category II Assisted Living Administrator Licensure exam.

7. The person must complete the Board approved eight (8) hour Dementia Education and Training program.

8. Nothing herein shall be construed as prohibiting the Board from allowing an applicant to sit for the examination where the Board finds that the applicant fulfills all of the requirements mentioned in paragraph (1) hereof; that the applicant complied with the requirements of the Board; and that, through no fault of the applicant, the application was not received or the requirements for examination were otherwise not complied with.

9. Examinations given under this section shall be given provisionally; and, should it later appear that the applicant does not meet the requirements or did not exercise reasonable diligence in filing his/her application, or was the cause of his/her failure to comply with the requirements for examination, then the examination and its results shall be void.

10. In the event an examination or an examination's results are void under paragraph (3) hereof, all fees and other monies paid to the Board by the applicant or which are due and payable to the Board by the applicant, are forfeited.

**Author:** Theresa Jordan.

**Statutory Authority:** Code of Ala. 1975, Section 34-2A-1-16.

**History:** New Rule Filed September 16, 2002. Amended: November 13, 2003.

Amended: September 29, 2008. Amended May 22, 2009. Amended September 2010.

Amendment Filed: July 24, 2012. Amended: October 17, 2012.

135-X-5-.03 Application for Examination.

(1) An applicant for examination and qualification for either a Category I or Category II Assisted Living Administrator license shall make application