

December 2, 1971

OPINION LETTER NO. 433  
Answer by Letter - Klaffenbach



Honorable A. Basey Vanlandingham  
Missouri Senate, District 19  
Post Office Box 711  
Columbia, Missouri 65201

Dear Senator Vanlandingham:

This letter is in response to your opinion request which is as follows:

"Section 3, Sub-section 1, of House Bill 33, passed by 75th General Assembly, Third Extra Ordinary Session reads as follows:

'Before any person is licensed as a nursing home administrator in this state, he shall apply for a license and furnish the Missouri board of nursing home administrators with satisfactory proof that he is twenty-one years of age or over, of good moral character, and has had a minimum of three years experience as an employee of a nursing home or equivalent health care facility,'

Under this section and this phraseology, does the Missouri State Board of Administrators have the authority to reject the application for license as a nursing home administrator of a person who is qualified under the equivalent health care facility clause but is not presently an employee or administrator of a nursing home?"

Your question correctly quotes the pertinent portion of Section 344.030, RSMo.

Honorable A. Basey Vanlandingham

In addition to the other qualifications required under Section 344.030, RSMo, which are to be determined by the board under Section 344.050, RSMo, it is clear that the legislature has provided that an applicant who has had a minimum of three years experience as an employee of a nursing home or an equivalent health care facility is eligible to be licensed as a nursing home administrator.

Section 344.010, RSMo defines "nursing home" as:

"[a]ny institution or facility defined as a nursing home for licensing purpose by section 198.011, RSMo, whether proprietary or nonprofit;"

Section 344.030 obviously permits consideration of alternative experience in an "equivalent health care facility." Whether a facility is an "equivalent health care facility" is of course a matter of fact to be determined by the board. There is no statutory requirement, express or implied, that such an applicant who has the requisite experience in such an equivalent facility be presently an employee of a nursing home as defined.

Therefore, a person of good moral character who is twenty-one years of age or over who is qualified under the equivalent provision of Section 344.030 is eligible to be licensed as a nursing home administrator even though he is not at present an employee or administrator of a nursing home.

Very truly yours,

JOHN C. DANFORTH  
Attorney General