



**TELECONFERENCE/VIRTUAL MEETING
NURSING HOME ADMINISTRATORS EXAMINING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
November 20, 2014**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Approval of Minutes of August 21, 2014 (4-5)**
- C) Administrative Updates**
 - 1) Staff Updates
 - 2) Appointments/Reappointments/Confirmations
- D) National Association of Long Term Care Administrator Board’s Professional Practice Analysis – Review and Discuss (6-8)**
- E) Legislative/Administrative Rule Matters**
 - 1) 165-NHA 2, 3, 4 Entrance to Exams **(9-14)**
- F) Speaking Engagement(s), Travel, or Public Relations Request(s) – Discussion and Consideration**
- G) Education and Examination Matters**
- H) Items Added After Preparation of Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters
 - 6) Legislation/Administrative Rule Matters
 - 7) Liaison Report(s)
 - 8) Informational Item(s)
 - 9) Disciplinary Matters
 - 10) Presentations of Petition(s) for Summary Suspension
 - 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)

- 12) Presentation of Proposed Decisions
- 13) Presentation of Interim Order(s)
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Order(s)
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Appearances from Requests Received or Renewed
- 22) Speaking Engagement(s), Travel, or Public Relation Request(s)

I) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

J) State Exam Item Review Status Update (15-16)

- 1) **APPEARANCE** – Ryan Zeinert, Licensing Exam Specialist

K) Case Status Report (17)

L) Case Closing(s)

- 1) 13 NHA 042 – A.L.K. **(18-21)**
- 2) 14 NHA 020 – D.F.Z. **(22-25)**

M) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Case Closings
- 12) Case Status Report
- 13) Petition(s) for Extension of Time
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

N) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- O) Open Session Items Noticed Above not Completed in the Initial Open Session
- P) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

**NURSING HOME ADMINISTRATORS EXAMINING BOARD
MEETING MINUTES
August 21, 2014**

PRESENT: Kenneth Arneson; Stefanie Carton; Timothy Conroy; Charles Hawkins; Lori Koepfel; Patrick Shaughnessy

EXCUSED: Loreli Dickinson; Susan Kinast-Porter; Paul Peshek

STAFF: Tom Ryan, Executive Director; Gretchen Mrozinski, Legal Counsel; Jelena Gagula, Bureau Assistant; Taylor Thompson, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Arneson, Chair, called the meeting to order at 9:32 A.M. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Stefanie Carton moved, seconded by Patrick Shaughnessy, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Patrick Shaughnessy, seconded by Charles Hawkins, to approve the minutes of May 22, 2014 as published. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

MOTION: Patrick Shaughnessy moved, seconded by Stefanie Carton, to approve the Scope Statement on 165 NHA 2, 3, 4 relating to exam entrance requirements for submission to the Governor's Office and publication and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

MOTION: Charles Hawkins moved, seconded by Patrick Shaughnessy, to **deny** the request for program approval of the Health Services Administration Bachelors program at Bryant & Stratton College. Motion carried unanimously.

CLOSED SESSION

MOTION: Patrick Shaughnessy moved, seconded by Lori Koeppel, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Kenneth Arneson - yes; Stefanie Carton - yes; Timothy Conroy - yes; Charles Hawkins - yes; Lori Koeppel – yes; Patrick Shaughnessy - yes. Motion carried unanimously.

The Board convened into Closed Session at 10:38 A.M.

RECONVENE TO OPEN SESSION

MOTION: Patrick Shaughnessy moved, seconded by Lori Koeppel, to reconvene in Open Session at 10:44 A.M. Motion carried unanimously.

CASE CLOSINGS

MOTION: Patrick Shaughnessy moved, seconded by Stefanie Carton, to close 13 NHA 025 against A.R.K for prosecutorial discretion (P2). Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Patrick Shaughnessy moved, seconded by Charles Hawkins, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

ADJOURNMENT

MOTION: Patrick Shaughnessy moved, seconded by Timothy Conroy, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:45 A.M.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 10/6/14 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Nursing Home Administrator Examining Board			
4) Meeting Date: 11/20/14	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? NAB's Professional Practice Analysis - Review and Discuss	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Board will review and discuss NAB's Professional Practice Analysis article.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Professional Practice Analysis

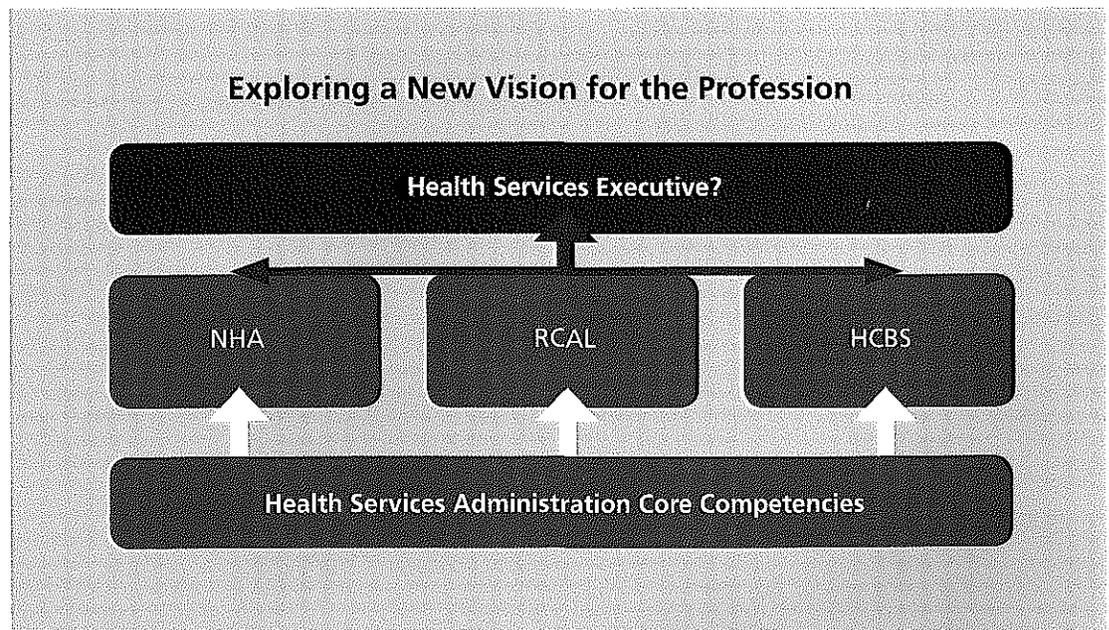
In this environment, the goals of the PPA are to align administrators' professional development with growth trends in the profession, and to develop a path of career advancement that will optimally recruit and retain the highest caliber of talent in the field.

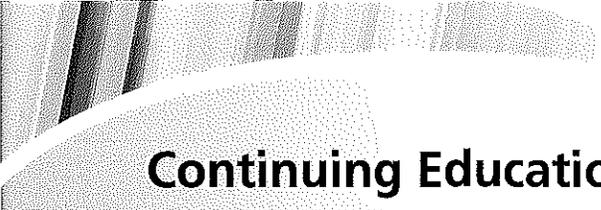
In the summer of 2012, NAB initiated its Professional Practice Analysis (PPA), a contemporary and aspirational study to meet the needs of all lines of service in long term care administration. We set ambitious goals for the following 18 months to bring this analysis into fruition. NAB is proud to announce that these goals have been met, as the PPA will be presented to NAB's Board of Governors at our June 2014 meeting.

The premise behind the PPA is that the growth in demand for long term care service will entail consumers searching for more information on the availability of long term care supports and services. In addition, the Affordable Care Act requires greater coordination and offers incentives to keep consumers out of hospitals, yet each of the states effectively has a unique practice standard, discouraging administrators from relocating to other states or learning other lines of service. In this environment, the goals of the PPA are to align administrators' professional development with growth trends in the profession, and to develop a path of career advancement that will optimally recruit and retain the highest caliber of talent in the field.

The PPA Task Force convened three times between March 2013 and January 2014. This selected group of fifteen subject matter experts—representing nursing home administration (NHA), residential care/ assisted living (RCAL) and home and community-based services (HCBS)—studied the respective domains of practice for NHA and RCAL and determined there was a significant proportion of commonality between the two practices. They developed a "core" of knowledge, tasks and skills that are equally applicable across of lines of services and should therefore be mastered by anyone who wants to enter the profession.

The next phase of the PPA, carried out in the fall of 2013, was the release of a pair of surveys of practitioners: a pilot focus group and then a large-scale version sent out to over 8,000 practitioners nationwide, which garnered an impressive response rate of 19.8 percent. These surveys validated the task force's practice description and found widespread support for unified domains of practice and rigorous, comprehensive standards of care.





Continuing Education

The result of the PPA process is the recommendation of a new credential: the Licensed Health Services Executive (LHSE), a professional with entry-level breadth across all lines of service.

Once the PPA is approved by NAB's Board of Governors, the next steps for 2014-16 are to implement the new licensure model with the help of NAB's stakeholders: practitioners, regulators, state legislators, members of academia and the general public. NAB's Exam Committees will focus on restructuring NAB's item bank and creating a pool of exam items that adhere to the "core" knowledge applicable to all lines of service. NAB leaders will meet with state boards to recommend the inclusion of the new exam models, and to promote the portability of licenses across state lines. And NAB will work with its accredited academic partners on the transition of their curricula towards the comprehensive models, ensuring that the incoming generation of administrators possesses the knowledge and skills to serve their communities.

NAB's National Continuing Education Review Service (NCERS) saw further expansion in 2013, reflecting its prominence among long term care practitioners and continuing education providers.

NCERS ensures that long term care administrators have access to the knowledge and tools necessary to keep abreast of developments within the profession, and our member state boards have the assurance that courses listed on our website meet the criteria for continuing education.

Last year, 2,026 in-person and distance-learning programs were submitted for review through NCERS. Thirty-two continuing education providers were granted Certified Sponsor status in 2013, which is accorded to providers in good standing for at least two years with NCERS. And NAB currently has 49 volunteer reviewers on its roster, administrators and executives who have dedicated much of their time to ensure that only quality continuing education programs receive NAB's stamp of approval.

One of the points of focus of the committee's work last year was the definition of "continuing education" versus entry-level competency in the field, or the knowledge needed to pass the NHA or RCAL exam. The Continuing Education Committee convened a task force at the November 2013 meeting to assess the review process and to ensure that there is an acceptable threshold in quality for a program to receive NCERS approval. The committee also supported the implementation of a more vigorous monitoring program to ensure that our Certified Sponsors continue to meet their responsibilities as trusted providers of continuing education.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood		2) Date When Request Submitted: November 11, 2014 <small>Items will be considered late if submitted after 12:00 p.m. and less than: ▪ 8 work days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Nursing Home Administrator Examining Board			
4) Meeting Date: November 20, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters: • 165 NHA 2,3,4 Entrance to exams	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <p style="margin-left: 20px;">The will discuss and authorize the chair to approve the revisions to 165-NHA 2,3,4 relating to Entrance to exams for posting of EIA comments and submission to the Clearinghouse.</p>			
11) Shawn Leatherwood		Authorization November 11, 2014	
Signature of person making this request 		Date 11/11/2014	
Supervisor (if required) 		Date 11/12/2014	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR
EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	NURSING HOME ADMININSTRATOR
NURSING HOME ADMINISTRATOR	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Nursing Home Administrator Examining Board to repeal NHA 2.02 (1), 2.02 (4) (Note 2), 2.03; to amend NHA 2.02 (4), 2.02 (4) (Note 1), 4.01 (1) (c) (Note), 4.01 (1) (d), 4.02 (1) (c), and 4.02 (2) (a) 4.; and to create NHA 4.02 (3), related to entrance to examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 440.071 and 456.11, Stats.

Statutory authority:

ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., and 2013 Wisconsin Act 114

Explanation of agency authority:

The Nursing Home Administrator Examining Board is generally empowered by ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., to promulgate rules that will provide guidance within the profession and interpret the statutes it administers. 2013 Wisconsin Act 114 provides that neither the Department, nor any of its attached boards, may require applicants for licensure to complete their post-secondary education before being eligible to take their licensure exam. This legislation prompted the Nursing Home Administrator Examining Board to exercise its rule-making authority to amend pertinent sections of Wis. Admin.Code ch. NHA 1 to 5 in order to give guidance within the profession related to entrance to examinations.

Related statute or rule:

Wis. Admin. Code chs. NHA 2 and 4

Plain language analysis:

These rules address changes instituted by the passage of 2013 Wisconsin Act 114. The Act allows applicants for licensure as a nursing home administrator to take their credentialing examination before completing any post-secondary education, program of study, or specialized courses. These proposed rules carryout the legislative intent by amending Wis. Admin. Code ss. NHA 2, and 4. These rules also address the reinstatement of a license by adding the term to Wis. Admin. Code s. NHA 4.02. The new provision sets forth what applicants should do to reinstate a suspended or revoked license with unmet disciplinary requirements.

SECTION 1. deletes the provision requiring education as a prerequisite to sit for the examination.

SECTION 2. amends a provision by removing language referring to the administration of an examination.

SECTION 3. amends the first note under NHA 2.02 (4) by updating where applicants can receive applications.

SECTION 4. repeals the second note under NHA 2.02 (4) and the provision regarding examination requirements.

SECTION 5. amends the first note under NHA 4.01 (1) (c) by updating where applicants can receive applications and adds education as a perquisite for licensure.

SECTION 6. updates citations regarding fees that accompany applications.

SECTION 7. sets forth the requirements for reinstatement of a license.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Nursing Home administrators are regulated by the Illinois Department of Financial and Professional Regulation via the Nursing Home Administrators Licensing and Disciplinary Act, 225 ILCS 70. Illinois requires applicants for a license as a nursing home administrator to be either a graduate of a college or university or to have completed a course of instruction regarding the operation of nursing homes that is approved by the Department. 225 ILCS 70/8 (e).

Iowa: Nursing home administrators in Iowa are regulated by the Iowa Board of Nursing Home Administrators in the Bureau of Professional Licensure in the Iowa Department of Public Health. Applicants must take the approved national examination to be eligible for licensure. 645 IAC 141.2.

Michigan: Licensure as a nursing home administrator in Michigan requires either having sufficient education and training in the fields of study set forth in statute, or having experience of not less than 5 years of employment as a chief executive or administrative officer at a hospital. MCLS 333.17309 (3).

Minnesota: The Board of Examiners for Nursing Home Administrators of the Minnesota Health Licensing Board regulates nursing home administrators in Minnesota. Minnesota requires applicants for nursing home administrator licensure to obtain a bachelor's degree from an accredited postsecondary institution as well as passing the national examination for nursing home administrator and the state examination which test Minnesota laws and rules governing nursing facility operations. Minn. R. 6400.6000.

Summary of factual data and analytical methodologies:

The methodologies used in developing this proposed rule include comparing 2013 Wisconsin Act 114 to current statutes and rules regarding nursing home administrators.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Administrator Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.L Leatherwood@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Shawn Leatherwood, Administrator Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Shancethea.L Leatherwood@wisconsin.gov. **Comments must be received on or before * to be included in the record of rule-making proceedings.**

TEXT OF RULE

SECTION 1. NHA 2.02 (1) is repealed.

SECTION 2. NHA 2.02 (4) is amended to read:

NHA 2.02 (4) A qualified applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for examination submitted under this section, ~~or relating to the administration of an examination required under s. NHA 2.03.~~

SECTION 3. NHA 2.02 (4) (Note 1) is amended to read:

NHA 2.02 (4) Note: ~~Application forms are available on request to the board office at~~ Applications are available from the Department of Safety and Professional Services, Division of Professional Credentialing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department's website at: <http://dsps.wi.gov>.

SECTION 4. NHA 2.02 (4) (Note 2) and 2.03 are repealed.

SECTION 5. NHA 4.01 (1) (c) (Note) and 4.01 (1) (d) are amended to read:

NHA 4.01 (1) (c) Note: ~~Application forms for licensure are available on request to the board office located at~~ Applications are available from the Department of Safety and Professional Services, Division of Professional Credentialing, 1400 E. Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department's website at: <http://dsps.wi.gov>.

NHA 4.01 (1) (d) Satisfy any one of the following educational requirements:

1. A regular course of study.
2. A program of study.
3. Specialized courses.

SECTION 6. NHA 4.02 (1) (c) and 4.02 (2) (a) 4. are amended to read:

NHA 4.02 (1) (c) A ~~The fee in the amount~~ required under ~~s. 440.08 (2) (a) 51., Stats~~ s.440.05 (1), Stats.

NHA 4.02 (2) (a) 4. The required renewal fees ~~specified in s. 440.08 (2) (a) 51. under ss.~~ 440.05 (1) and 440.08 (3), Stats.

SECTION 7. NHA 4.02 (3) is created to read:

NHA 4.02 (3) REINSTATEMENT. (a) A licensee whose license has been surrendered or revoked or has a license with unmet disciplinary requirements which has not been renewed within 5 years of the renewal date may submit an application for reinstatement of their license with all of the following:

1. Evidence of completion of requirements in sub. (2) (b) if the licensee has not held an active Wisconsin license within the last 5 years.

2. Evidence of completion of disciplinary requirements, if applicable.

3. Evidence of rehabilitation or change in circumstances, warranting reinstatement of license.

(b) A licensee may not practice as a nursing home administrator prior to being granted reinstatement of their license.

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Nursing Home Administrator
Examining Board