



TELECONFERENCE/VIRTUAL MEETING
NURSING HOME ADMINISTRATORS EXAMINING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
February 5, 2015

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 (1-2)**
- B) Approval of Minutes of November 20, 2014 (3-4)**
- C) Administrative Updates**
 - 1) Election of Board Officers **(5)**
 - 2) Appointment of Liaisons and Delegated Authority **(5)**
 - 3) Other Informational Items
- D) Legislative/Administrative Rule Matters**
 - 1) **9:00 A.M. (Scheduled Time) – Public Hearing on Clearinghouse Rule 14-078 Relating to Entrance to Examinations (6-18)**
 - a) Review and Response to Clearinghouse Report and Public Comments
- E) Speaking Engagement(s), Travel, or Public Relation Request(s)**
 - 1) National Association of Long Term Care Administrator Boards (NAB) Annual Meeting, June 3-5, Philadelphia, PA – Board Consideration **(19-20)**
- F) 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), and Reports

G) 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.).

H) Case Status Report (21)

I) 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

J) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

K) Open Session Items Noticed Above not Completed in the Initial Open Session

L) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

**NURSING HOME ADMINISTRATORS EXAMINING BOARD
TELECONFERENCE/VIRTUAL MEETING
MEETING MINUTES
November 20, 2014**

PRESENT: Kenneth Arneson, Stefanie Carton, Timothy Conroy (*in person*), Loreli Dickinson, Charles Hawkins, Susan Kinast-Porter, Lori Koepfel, Patrick Shaughnessy (*in person*)

EXCUSED: Paul Peshek

STAFF: Tom Ryan, Executive Director; and Taylor Thompson, Bureau Assistant

CALL TO ORDER

Kenneth Arneson, Chair, called the meeting to order at 9:39 A.M. A quorum of eight (8) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

MOTION: Stefanie Carton moved, seconded by Timothy Conroy, to approve the minutes of August 21, 2014 as published. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

165 NHA 2, 3, 4 ENTRANCE TO EXAMS

MOTION: Patrick Shaughnessy moved, seconded by Timothy Conroy, to authorize the Chair to approve the revisions to 165-NHA 2, 3, and 4 relating to entrance to exams, posting of EIA comments and submission to the Clearinghouse. Motion carried unanimously.

Connection with Susan Kinast-Porter was lost before convening into Closed Session.

CLOSED SESSION

MOTION: Timothy Conroy 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; Loreli Dickinson - yes; Charles Hawkins - yes; Lori Koeppel - yes; Patrick Shaughnessy - yes. Motion carried unanimously.

The Board convened into Closed Session at 9:53 A.M.

RECONVENE TO OPEN SESSION

MOTION: Lori Koeppel moved, seconded by Loreli Dickinson, to reconvene in Open Session at 9:58 P.M. Motion carried unanimously.

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

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

CASE CLOSINGS

MOTION: Timothy Conroy moved, seconded by Charles Hawkins, to close DLSC case number **13 NHA 042, against A.L.K., for prosecutorial discretion (P2)**. Motion carried unanimously.

MOTION: Stefanie Carton moved, seconded by Patrick Shaughnessy, to close DLSC case number **14 NHA 020, against D.F.Z., for no violation (N2)**. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Charles Hawkins moved, seconded by Stefanie Carton, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 10:02 A.M.

2014 ELECTION RESULTS	
Board Chair	Kenneth Arneson
Vice Chair	Timothy Conroy
Secretary	Charles Hawkins

2014 LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Patrick Shaughnessy <i>Alternate: Stefanie Carton</i>
DLSC Monitoring Liaison(s)	Timothy Conroy <i>Alternate: Kenneth Arneson</i>
DLSC PAP Liaison(s)	Timothy Conroy <i>Alternate: Kenneth Arneson</i>
Website Liaison(s)	Patrick Shaughnessy <i>Alternate: Stefanie Carton</i>
Travel Liaison(s)	Kenneth Arneson <i>Alternate: Timothy Conroy</i>
Education and Examinations Liaison(s)	Charles Hawkins <i>Alternate: Patrick Shaughnessy</i>
Rules Liaison(s)	Stefanie Carton <i>Alternate: Charles Hawkins</i>
Legislative Liaison(s)	Stefanie Carton <i>Alternate: Charles Hawkins</i>
Screening Pannel	Patrick Shaughnessy, Kenneth Arneson <i>Alternate: Timothy Conroy</i>

**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: January 22, 2015 <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: February 5, 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Hearing on Clearinghouse Rule 14-078 relating to entrance to examinations Review and respond to Clearinghouse Report and Public Comments	
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: The Board will conduct a public hearing at 9:00AM. The Board will discuss any public hearing comments, as well as review, discuss and respond to any clearinghouse comments. The Board will authorize the chair or another member of the board to approve the Legislative Report and draft for Clearinghouse Rule 14-078 for submission to the Governor's Office and Legislature.			
11) Shawn Leatherwood	Authorization		January 22, 2015
Signature of person making this request		Date	
Supervisor (if required)		Date	
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.			



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 14-078

AN ORDER to repeal NHA 2.02 (1) and (4) (Note 2) and 2.03; to renumber and amend NHA 4.01 (1) (d); to amend NHA 2.02 (4) and (4) (Note 1), 4.01 (1) (c) (Note), and 4.02 (1) (c) and (2) (a) 4.; and to create NHA 4.01 (1) (d) 1. to 3. and 4.02 (3), relating to entrance to examinations.

Submitted by **DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

12-29-2014 RECEIVED BY LEGISLATIVE COUNCIL.

01-22-2015 REPORT SENT TO AGENCY.

JKR:REL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Co-Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 14-078

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

In s. NHA 4.02 (3), the proposed rule creates a process by which a licensee whose license has been surrendered, revoked, or not renewed may apply for reinstatement of the license. The proposed rule appears to interpret s. 456.11, Stats. The agency should review the proposed rule to ensure that it is consistent with s. 456.11, Stats., and any other applicable statutes. For example, reinstatement under s. 456.11, Stats., does not apply to revocations under s. 440.12, Stats., and s. 456.11, Stats., also states that application for reinstatement may not be made in the first year after a revocation. However, s. NHA 4.02 (3) does not explicitly contain these two limitations. In addition, should s. NHA 4.02 (3) explain how the board determines whether to reinstate a license?

2. Form, Style and Placement in Administrative Code

a. The introductory clause should read: “... to repeal NHA 2.02 (1) and (4) (Note 2) and 2.03; to renumber and amend NHA 4.01 (1) (d); to amend NHA 2.02 (4) and (4) (Note 1), 4.01 (1) (c) (Note), and 4.02 (1) (c) and (2) (a) 4.; and to create NHA 4.01 (1) (d) 1. to 3. and 4.02 (3), relating to entrance to examinations.”. The agency should also reference reinstatement in the relating clause because the proposed rule contains provisions relating to reinstatement in SECTION 9.

b. In s. NHA 2.02 (4) (Note 1), the comma after “Credentialing” should be underscored because it is new material. [s. 1.06 (1), Manual.] In addition, “East” should replace “E.” to accurately reflect the text of the current rule. These comments also apply to s. NHA 4.01 (1) (c) (Note).

c. In SECTION 4, why does the proposed rule repeal s. NHA 2.03? It appears that the repeal may be unnecessary because of the repeal of s. NHA 2.02 (1).

d. In s. NHA 4.01 (1) (d) (intro.), “~~s. NHA 2.02 (1)~~” should replace “~~s. NHA 2.02~~” to accurately reflect the text of the current rule.

e. In s. NHA 4.02 (1) (c), the period at the end of the paragraph should not be underscored. [s. 1.06 (1) and (4), Manual.]

f. In s. NHA 4.02 (2) (a) 4., “~~and (3)~~” should be inserted after “s. 440.08 (2) (a) 51.” to accurately reflect the text of the current rule.

g. With the creation of s. NHA 4.02 (3), the agency might consider amending the title of s. NHA 4.02 so that the title captures the contents of sub. (3).

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. NHA 4.02 (1) (c) and (2) (a) 4., should “440.03 (9) (a)” replace “440.05 (1)”? Section 440.03 (9) (a), Stats., appears to be a more accurate statutory reference for credential renewal fees.

b. In s. NHA 4.02 (3) (a) 1., “s. NHA 4.02 (2) (b)” should replace “s. 4.02 (2) (b)”. [s. 1.07 (2), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the plain language section of the agency’s rule analysis, “Department” should be changed to the lowercase. In addition, “carryout” should be changed to “carry out”.

b. In s. NHA 4.02 (3) (a) (intro.), “the” should replace “their”.

c. In s. NHA 4.02 (3) (b), “a” should replace “their”.

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 renumber NHA 4.01 (1)(d) as 4.01(1) (d) (intro.); 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 4.01 (1) (d) 1. to 3. and 4.02 (3), related to entrance to examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.071 and 456.11, Stats.

Statutory authority:

Sections 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 requires the Department and its attached boards to allow applicants for licensure to take their credentialing examination before completing any post-secondary education, program of study, or specialized courses. These proposed rules carry out 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 prerequisite for licensure.

SECTION 6. creates an introductory phrase for NHA 4.01 (1) (d).

SECTION 7. creates new educational requirements for licensure.

SECTION 8. updates citations regarding fees that accompany applications.

SECTION 9. sets forth the requirements for reinstatement of a license.

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

42 USCS § 1396g sets forth the federal requirements for licensure of nursing home administrators. The statute states it is the function and duty of state agencies to, “develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator...” 42 USCS § 1396g (c) (1). This proposed rule institutes a new standard with regard to nursing home administrator examination requirements. By instituting this new standard, the Nursing Home Administrator Examining Board is in line with 42 USCS § 1396g (c) (1) which allows state agencies to regulate licensed nursing home administrators.

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:

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.

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 February 5, 2015 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) is 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>.

SECTION 6. NHA 4.01 (1) (d) is renumbered 4.01 (1)(d) (intro.) and is amended to read:

NHA 4.01 (1) (d) (intro.) Satisfy any one of the following educational requirements specified in s. NHA 2.02-:

SECTION 7. NHA 4.01 (1) (d) 1. to 3. are created to read:

NHA 4.01 (1)(d) 1. A regular course of study.

2. A program of study.

3. Specialized courses.

SECTION 8. 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 9. 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 s. 4.02 (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 10. 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

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title and Number
NHA 2,3,4

3. Subject
Entrance to exams

4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165 (1)(g)
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6. Fiscal Effect of Implementing the Rule

<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers
	<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?
 Yes No

9. Policy Problem Addressed by the Rule
The proposed rule addresses a change in policy due to the passage of 2013 Wisconsin Act 114. The Act requires that the Department of Safety and Professional Services and its attached boards allow applicants to take their credentialing exam before completing any post-secondary education. Currently, Wis. Admin. Code s. NHA 2.02 requires completion of a regular course of study, a program of study, or specialized courses before being allowed to take the exam. This proposed rule will bring current Nursing Home Administrator regulations in line with Act 114.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
The rule was posted on the Department of Safety and Professional Service's website for 14 days in order to solicit comments from businesses, associations representing businesses, local governmental units and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.
No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
This proposed rule will have minimal or no economic or fiscal impact on specific businesses, business sectors, and public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefit of implementing the rule is creating consistency between statutes and the administrative code. There are no other viable alternatives to the proposed rule due to the change in policy being brought about by the passage of 2013 Wisconsin Act 114.

14. Long Range Implications of Implementing the Rule
The Long range implication of implementing the rule includes removing undue delays in licensure by allowing applicants to take credentialing exams as soon as they are ready to enter their chosen profession.

15. Compare With Approaches Being Used by Federal Government

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

42 USCS § 1396g sets forth the federal requirements for licensure of nursing home administrators. The statute states it is the function and duty of state agencies to, “develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator...” 42 USCS § 1396g (c) (1). This proposed rule institutes a new standard with regard to nursing home administrator examination requirements. By instituting this new standard, the Nursing Home Administrator Examining Board is in line with 42 USCS § 1396g (c) (1) which allows state agencies to regulate licensed nursing home administrators.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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.

17. Contact Name Shawn Leatherwood	18. Contact Phone Number 608-261-4438
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This document can be made available in alternate formats to individuals with disabilities upon request.

**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: 12/9/14 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 Administrators Examining Board			
4) Meeting Date: 02/05/15	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2015 National Association of Long Term Care Administrator Boards (NAB) Annual Meeting, June 3-5, Philadelphia, PA - Board Consideration	
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 consider the 2015 NAB Annual Meeting, June 3-5, 2015, in Philadelphia, PA.			
11) Authorization			
Taylor Thompson		12/09/14	
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.			



[◀ Back to Upcoming Events](#)

NAB Annual Meeting

Share/Print Page:

June 3 - June 5, 2015

Our June Annual Meetings bring together state licensing board members, board executives, members of academia, continuing education providers and subject-matter experts in long term care from across the country. We discuss strategic planning, professional practice analysis, exam development and other issues important to our profession.

Our next NAB Annual Meeting will be held June 3-5, 2015 in Philadelphia. [Registration and meeting details](#) will be made available in March 2015.
