



STATE OF WISCONSIN

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Positions Statements Related to Nursing Home Administrators Issued by the Nursing Home Administrators Examining Board

WHAT IS THE PRIMARY SOURCE OF WISCONSIN LAWS THAT GOVERN THE REGULATION OF NURSING HOME ADMINISTRATORS?

Nursing Home Administrators are licensed by the Nursing Home Administrator Examining Board pursuant to [Wis. Stats. ch. 456](#). See also the [Wisc. Admin. Code ch. NHA 1-5](#).

WHAT IS THE PRIMARY SOURCE OF FEDERAL LAWS THAT GOVERN THE REGULATION OF NURSING HOME ADMINISTRATORS?

The Omnibus Budget Reconciliation Act of 1987 ("OBRA"), 42 U.S.C. 1396r.

WHAT IS THE PRIMARY SOURCE OF WISCONSIN LAWS THAT GOVERNS THE LICENSURE OF NURSING HOMES?

Nursing homes are licensed by the Wisconsin Department of Health Services pursuant to [Wis. Stats. Ch 50](#). See also, [Wis. Admin. Code Ch. DHS 132](#).

ARE NURSING HOME ADMINISTRATORS REQUIRED TO REPORT MISCONDUCT ENGAGED IN BY OTHER NURSING HOME ADMINISTRATORS?

Yes. As stipulated in [Ch NHA 5.02\(5\)](#), Wisc. Admin Code, nursing home administrators are required to report to the Nursing Home Administrator Examining Board any practice by a licensee that constitutes a consistent danger to the health, welfare, or safety of a patient or the public.

DOES A PATTERN OF VIOLATIONS OF FEDERAL OR STATE STATUTES, RULES OR REGULATIONS CONSTITUTE A GROUND FOR DISCIPLINE?

Yes. If proof is submitted to the Nursing Home Administrator Examining Board that while a licensee was the administrator of a nursing home, that nursing home engaged in conduct that constituted a pattern of serious violations of federal or state statutes, rules or regulations, the nursing home administrator may be subject to discipline. Other grounds for suspension or revocation of a license are outlined in [Wis. Stats 456.10](#).

WHAT CONSTITUTES "A PATTERN OF SERIOUS VIOLATIONS OF FEDERAL OR STATE STATUTES, RULES OR REGULATIONS"?

The term "pattern of serious violations of federal or state statutes, rules or regulations" is defined to mean the occurrence of any of the following: {[Wis. Admin. Code § NHA 1.02\(5m\)](#)}

(a) One or more class A violations, as defined in s. 50.04 (4) (b) 1., Stats., in each of at least 2 inspections within any consecutive 36-month period.

(b) One or more deficiencies related to participation requirements under 42 CFR sections 483.13, 483.15 or 483.25, which constitute immediate jeopardy to a resident's health or safety, in each of at least 2 inspections within any consecutive 36-month period.

(c) One or more deficiencies related to participation requirements under 42 CFR sections 483.13, 483.15 or 483.25, which constitute a pattern of actual harm, but which does not constitute immediate jeopardy to a resident's health or safety, in each of at least 2 inspections within any consecutive 36-month period.

(d) One or more deficiencies related to participation requirements under 42 CFR sections 483.13, 483.15 or 483.25, which constitute widespread actual harm, but which does not constitute immediate jeopardy to a resident's health or safety, in each of at least 2 inspections within any consecutive 36-month period.

(e) One class A violation, as defined in s. 50.04 (4) (b) 1., Stats., and one deficiency of any type specified in par. (b), (c) or (d), within 36 months of each other, but resulting from different inspections.

(f) At least 2 or more deficiencies in any combination of single deficiencies of the types specified in par. (b), (c) or (d), within 36 months of each other, but resulting from different inspections.

WHAT CONSTITUTES "UNFIT OR INCOMPETENT BY REASON OF NEGLIGENCE, HABITS OR OTHER CAUSES"?

Under [Wis. Admin. Code s. NHA 5.02](#), the following conduct, without limitation because of enumeration, constitutes unfitness to practice as a nursing home administrator:

(1) Violating in a negligent manner, by an act or acts of omission or commission, or aiding or abetting the violation of any law substantially relating to the practice of nursing home administration.

(2) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a nursing home administrator which harms or could have harmed a patient.

(3) Practicing while impaired by physical, mental or emotional disorder or drug or alcohol abuse.

(4) Intentionally falsifying patient records.

- (5) Failing to report to the board any practice by a licensee that constitutes a consistent danger to the health, welfare, or safety of patient or public.
- (6) Engaging in any practice as a nursing home administrator which constitutes a substantial danger to the health, welfare, or safety of patient or public.
- (7) Refusing to render services to a person because of race, color, sex, religion, or age.
- (8) Obtaining or attempting to obtain any compensation by fraud.
- (9) Impersonating another nursing home administrator.
- (10) Advertising in a manner which is false, deceptive, or misleading.
- (11) Exercising undue influence on or taking unfair advantage of a patient.
- (12) Committing or aiding or abetting the commission of rebate or fee-splitting arrangements with health care providers.
- (13) Having one's license revoked or suspended in another state or United States jurisdiction.
- (14) Violating or attempting to violate any formal disciplinary order of the board.
- (15) Intentionally providing false information to the board in connection with an application for a license or for renewal of a license.