



VIRTUAL/TELECONFERENCE
NURSING HOME ADMINISTRATOR EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison, WI
Contact: Tom Ryan (608) 266-2112
August 17, 2023

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 description of the actions of the Board.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-4)

B. Approval of Minutes of April 7, 2023 (5-12)

C. Introductions, Announcements and Recognition

- 1) New Member Introductions
 - a. Charlean M. Adams, NHA Member
 - b. A. James Gersich, Public Member
 - c. Mark A. Herman, Public Member
- 2) Recognitions
 - a. Patrick M. Shaughnessy, NHA Member (Resigned: 8/1/2023)

D. Reminders: Conflicts of Interest, Scheduling Concerns

E. Administrative Matters – Discussion and Consideration

- 1) Department, Staff, and Board Updates
- 2) Board Member – Term Expiration Dates
 - a. Adams, Charlean M. – 7/1/2027
 - b. Bristol, Echo E. – 7/1/2025
 - c. Gersich, A. James – 7/1/2027
 - d. Herman, Mark A. – 7/1/2027
 - e. Kaiser, Elizabeth A. – 7/1/2027
 - f. Larson, David L. – 7/1/2027
 - g. Lynch-deCombhs, Diane C. – 7/1/2024
 - h. Radtke, Jessica – DHS Representative
 - i. Williams, Jason L. – 7/1/2026

F. 9:30 A.M. PUBLIC HEARING – CLEARINGHOUSE RULE 23-033 NHA 3, RELATING TO BOARD APPROVAL OF EDUCATION PROGRAMS

- 1) Review Public Hearing comments and Clearinghouse Report (13-29)

G. Administrative Rule Matters – Discussion and Consideration (30)

- 1) Update: Notes on Chapter NHA 3 (31-34)
- 2) Pending and Possible Rulemaking Projects (35)

H. Legislative and Policy Matters – Discussion and Consideration

I. NHA Education Options – Discussion and Consideration

J. National Association of Long-Term Care Administrator Boards (NAB) Matters – Discussion and Consideration

K. Speaking Engagements, Travel, or Public Relation Requests, and Reports

- 1) Travel Report: NAB 2023 Annual Meeting – Columbus, OH – June 14-16, 2023
- 2) Consider Attendance: NAB 2023 Mid-year Meeting – New Orleans, LA – October 25-27, 2023 (36-38)

L. Deliberation on Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Public Health Emergencies
- 13) Liaison Reports
- 14) Board Liaison Training and Appointment of Mentors
- 15) Informational Items
- 16) Division of Legal Services and Compliance (DLSC) Matters
- 17) Presentations of Petitions for Summary Suspension
- 18) Petitions for Designation of Hearing Examiner
- 19) Presentation of Stipulations, Final Decisions and Orders
- 20) Presentation of Proposed Final Decisions and Orders
- 21) Presentation of Interim Orders
- 22) Petitions for Re-Hearing
- 23) Petitions for Assessments
- 24) Petitions to Vacate Orders
- 25) Requests for Disciplinary Proceeding Presentations
- 26) Motions
- 27) Petitions
- 28) Appearances from Requests Received or Renewed
- 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

M. 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.).

K. Deliberation on Division of Legal Services and Compliance Matters

1. **Case Closings**
 - a. 21 NHA 069 – J.P. (39-46)
 - b. 22 NHA 011 – C.L.N. (47-54)
2. **Proposed Stipulations, Final Decisions, and Orders**
 - a. 22 NHA 016 – Tammy L. Kurtz, N.H.A. (55-61)

N. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

P. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

Q. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: NOVEMBER 30, 2023

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
NURSING HOME ADMINISTRATOR EXAMINING BOARD
MEETING MINUTES
MARCH 23, 2023**

PRESENT: Echo Bristol, Elizabeth Kaiser, David Larson, Diane Lynch-deCombhs, Jessica Radtke, Patrick Shaughnessy, Jason Williams

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; and other Department Staff

CALL TO ORDER

David Larson, Chairperson, called the meeting to order at 9:01 a.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF AGENDA

MOTION: Echo Bristol moved, seconded by Jason Williams, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 18, 2022

MOTION: Diane Lynch-deCombhs moved, seconded by Patrick Shaughnessy, to approve the Minutes of August 18, 2022 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Echo Bristol nominated David Larson for the Office of Chairperson. David Larson accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

David Larson was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Patrick Shaughnessy nominated Diane Lynch-deCombhs for the Office of Vice Chairperson. Diane Lynch-deCombhs accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Diane Lynch-deCombhs was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Echo Bristol nominated herself for the Office of Secretary. Echo Bristol accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Echo Bristol was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	David Larson
Vice Chairperson	Diane Lynch-deCombhs
Secretary	Echo Bristol

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Patrick Shaughnessy <i>Alternate: David Larson</i>
Education and Examinations Liaison	Diane Lynch-deCombhs <i>Alternate: Echo Bristol</i>
Monitoring Liaison	Patrick Shaughnessy <i>Alternate: Echo Bristol</i>
Professional Assistance Procedure (PAP) Liaison	David Larson <i>Alternate: Diane Lynch-deCombhs</i>
Legislative Liaison	Elizabeth Kaiser <i>Alternate: Echo Bristol</i>
Travel Authorization Liaison	David Larson <i>Alternate: Elizabeth Kaiser</i>
Website Liaison	Elizabeth Kaiser <i>Alternate: Jason Williams</i>
Screening Panel	Patrick Shaughnessy, David Larson <i>Alternate: Echo Bristol</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Echo Bristol moved, seconded by Jason Williams, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Diane Lynch-deCombhs moved, seconded by David Larson, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: David Larson moved, seconded by Echo Bristol, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: David Larson moved, seconded by Diane Lynch-deCombhs, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after one meeting. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Patrick Shaughnessy moved, seconded by Diane Lynch-deCombhs, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: David Larson moved, seconded by Diane Lynch-deCombhs, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the April 7, 2023 agenda materials on pages 18-20. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Patrick Shaughnessy moved, seconded by David Larson, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: David Larson moved, seconded by Jason Williams, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Echo Bristol moved, seconded by Diane Lynch-deCombhs, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Jason Williams moved, seconded by Diane Lynch-deCombhs, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Echo Bristol moved, seconded by David Larson, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of nursing home administration. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Patrick Shaughnessy moved, seconded by Jason Williams, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Echo Bristol moved, seconded by Patrick Shaughnessy, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Patrick Shaughnessy moved, seconded by Jason Williams, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Patrick Shaughnessy moved, seconded by Echo Bristol, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Echo Bristol moved, seconded by Diane Lynch-deCombhs, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

MOTION: Patrick Shaughnessy moved, seconded by Echo Bristol, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Jason Williams moved, seconded by David Larson, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Diane Lynch-deCombhs moved, seconded by Patrick Shaughnessy, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Echo Bristol moved, seconded by Jason Williams, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: David Larson moved, seconded by Patrick Shaughnessy, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Patrick Shaughnessy moved, seconded by Echo Bristol, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Jason Williams moved, seconded by Echo Bristol, to authorize the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Preliminary Rule Draft: NHA 3, Relating to Board Approval of Education Programs

MOTION: David Larson moved, seconded by Patrick Shaughnessy, to authorize Diane Lynch-deCombhs to work with DSPS staff to revise the preliminary rule draft of NHA 3, relating to Board approval of education programs, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

MOTION: David Larson moved, seconded by Patrick Shaughnessy, to authorize the Chairperson (or in absence the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the revised preliminary rule draft of NHA 3, relating to Board approval of education programs, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS, AND
REPORTS**

**Consideration of Attendance: National Association of Long-Term Care Administrator Boards
(NAB) Annual Meeting – June 14-16, 2023 – Columbus, Ohio**

MOTION: Echo Bristol moved, seconded by Jason Williams, to designate David Larson, as the Board’s delegate, to attend the National Association of Long-Term Care Administrator Boards (NAB) Annual Meeting on June 14-16, 2023 in Columbus, Ohio. Motion carried unanimously.

CLOSED SESSION

MOTION: Echo Bristol moved, seconded by Diane Lynch-deCombhs, to 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.). David Larson, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Echo Bristol-yes; Elizabeth Kaiser-yes; David Larson-yes; Diane Lynch-deCombhs-yes; Jessica Radtke-yes; Patrick Shaughnessy-yes; and Jason Williams-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:59 a.m.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND
COMPLIANCE (DLSC) MATTERS**

Administrative Warning

22 NHA 012 – K.S.K.

MOTION: Jason Williams moved, seconded by Echo Bristol, to issue an Administrative Warning in the matter of K.S.K., DLSC Case Number 22 NHA 012. Motion carried unanimously.

Case Closings

MOTION: David Larson moved, seconded by Jason Williams, to close the following DLSC Cases for the reasons outlined below:

1. 21 NHA 005 – A.C.Z. – No Violation
2. 22 NHA 039 – K.K.S. – Insufficient Evidence

Motion carried unanimously.

Proposed Stipulations and Final Decision and Orders

19 NHA 028 – Pete N. Eide, NHA

MOTION: Echo Bristol moved, seconded by Diane Lynch-deCombhs, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Pete N. Eide, NHA, DLSC Case Number 19 NHA 028. Motion carried unanimously.

21 NHA 066 – Jennifer L. Vosen, NHA

MOTION: David Larson moved, seconded by Diane Lynch-deCombhs, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jennifer L. Vosen, NHA, DLSC Case Number 21 NHA 066. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Echo Bristol moved, seconded by David Larson, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 11:06 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: David Larson moved, seconded by Echo Bristol, to affirm all motions made and votes taken in closed session. Motion carried unanimously.

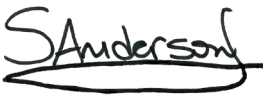
ADJOURNMENT

MOTION: Patrick Shaughnessy moved, seconded by Diane Lynch-deCombhs, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:07 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 08/04/2023 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Nursing Home Administrators Examining Board			
4) Meeting Date: August 17, 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 09:30 A.M. Public Hearing – Clearinghouse Rule 23-033 NHA 3, relating to board approval of education programs. 1. Review Public Hearing comments and Clearinghouse Report.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <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 hold a Public Hearing on this rule as required by the rulemaking process.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: center;"> 08/04/2023 <hr/> Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 35%;">Date</div> </div> <hr/> 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.			

Notice of Hearing

The Nursing Home Administrators Examining Board announces that it will hold a public hearing on a permanent rule revising NHA 3 relating to board approval of education programs, at the time and place shown below.

Hearing Information

Date: August 17, 2023

Time: 9:30 A.M.

Location: Information concerning the location of the hearing will be available at:

<https://dsps.wi.gov/Pages/BoardsCouncils/NHA/Meetings.aspx>

Appearances at the Hearing and Submittal of Written Comments

The rule may be reviewed and comments submitted at:

<http://docs.legis.wisconsin.gov/code/chr/hearings>.

Comments may also be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov.

Comments must be received at or before the public hearing to be included in the record of rulemaking proceedings.

Initial Regulatory Flexibility Analysis

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

Agency Small Business Regulatory Coordinator

The Department's Regulatory Review Coordinator may be contacted by email at

Jennifer.Garrett@wisconsin.gov, or by phone at (608) 266-2112.

STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR EXAMINING BOARD

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

PROPOSED ORDER

An order of the Nursing Home Administrator Examining Board to **amend** NHA 3.01 and to **create** NHA 3.01 (1m); relating to board approval of education programs.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 456.02 (1) and 456.03 (4).

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 456.03 (4), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 227.11 (2) (a), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 456.03 (4), Stats., provides that an applicant for a license as a nursing home administrator shall complete “a regular course of study or equivalent specialized courses or a program of study which the examining board considers adequate academic preparation for nursing home administration.”

Related statute or rule:

None.

Plain language analysis:

Chapter NHA 3 currently contains the requirements for the Nursing Home Administrator Board to approve educational programs leading to licensing. After review, the Board is adding a provision to pre-approve all National Association of Long Term Care Administrator Boards (NAB) accredited programs for Nursing Home Administrator and Health Services Executive in order to ensure that the rules are consistent with current

professional and academic standards, and to prevent confusion within academic institutions and with potential licensees.

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

42 USC § 1396a provides requirements state medical assistance plans must meet to be eligible for federal grants, including a requirement that states have a program for licensing nursing home administrators. Under 42 USC § 1396g (c) (1) to (6), a state agency or board that licenses nursing home administrators is required to:

- “Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators.”
- “Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards.”
- “Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards.”
- “Establish and carry out procedures designed to ensure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.”
- “Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.”
- “Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.”

The proposed rules will ensure the provisions for licensure, examinations, and approval of educational programs under ch. NHA 3 comply with the above requirements.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

N/A.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation establish education requirements for licensure, which includes any of the following:

- Graduation from an accredited college or university with the minimum of a Baccalaureate Degree.
- Satisfactory completion of an approved course of instruction in nursing home administration.
- Graduation from a three year diploma nurse program and two years of qualifying experience.
- An associate degree or a minimum of 60 semester or 90 quarter hours of credit earned from an accredited college or university and qualifying experience.

The rules also include approved nursing home administration courses from an accredited college or university (68 Ill. Adm. Code 1310.40) and the details of the qualifying experience that applicants can utilize in lieu of education (68 Ill Adm. Code 1310.50).

Iowa: The rules of the Iowa Board of Nursing Home Administrators include provisions for licensure requirements (645 IAC 141.2) and educational qualifications (645 IAC 141.4), which includes specific provisions depending on the type of education received by the applicant. The three group of provisions are divided into:

- Applicants with degrees in health care administration, health services administration, health care management, health services management, nursing home administration or long-term care administration.
- Applicants with degrees in other disciplines.
- Foreign-trained applicants.

Michigan: The rules of the Michigan Department of Licensing and Regulatory Affairs include adoption of the procedures and criteria for recognizing accrediting organizations of the Council of Higher Education Accreditation (CHEA) and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education (MI Admin. Code, R 339.14005). They also include approval of courses of instruction and training (MI Admin Code, R 339.14007).

The Michigan Compiled Laws establish that if the department and board find that there are not a sufficient number of courses of instruction and training sufficient to meet the requirements of this part conducted within this state, the department may conduct 1 or more of those courses or training sessions, or both. Additionally, department and board may approve a course of instruction, or a training session conducted within or without this state if the department determines that it is sufficient to meet the education and training requirements for licensure (MCL 333.17311).

Minnesota: The Minnesota Board of Executives for Long Term Services and Support licenses for Nursing Home Administrators and Health Services Executives. The rules specify that an applicant for licensure must have a bachelor's degree and have completed courses in areas related to the administration of nursing homes (MN Admin. Rules 6400.6000 and MN Admin. Rules 6400.6550). An applicant can also apply for a waiver of course requirement under MN Admin. Rules 6400.6560.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of ch. NHA 3 to ensure the rules are consistent with current professional, academic, and licensing practices and standards and applicable Wisconsin statutes.

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

The proposed rule was posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is 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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sofia Anderson, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before August 17, 2023, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. NHA 3.01 is amended to read:

NHA 3.01 Board approval. (1) Except as provided in sub. (1m), ~~A~~ all regular courses of study, programs of study, and specialized courses shall be approved by the board.

SECTION 2. NHA 3.01 (1m) is created to read:

(1m) Regular courses of study and programs of study accredited by NAB for Nursing Home Administrators and Health Services Executive shall be considered pre-approved by the board.

SECTION 3. 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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date June 6, 2023
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) NHA 3	
4. Subject Board approval of education programs.	
5. 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	6. Chapter 20, Stats. Appropriations Affected s.20.165(1)(g)
7. 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"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" 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)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule Chapter NHA 3 currently contains the requirements for the Nursing Home Administrator Board to approve educational programs leading to licensing. After review, the Board is adding a provision to pre-approve all National Association of Long Term Care Administrator Boards (NAB) accredited programs for Nursing Home Administrator and Health Services Executive in order to ensure that the rules are consistent with current professional and academic standards, and to prevent confusion within academic institutions and with potential licensees.	
12. 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. None	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None	
14. 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) DSPA estimates a total of \$2,800 in one-time costs for staffing and an indeterminate one-time IT impact to implement the rule. The estimated one-time staffing need for .1 limited term employees (LTEs) is for staff to undertake such tasks as sites and forms updates, training on new requirements, assisting with temporary increases in inquiries, and providing board guidance. The one-time estimated costs cannot be absorbed in the currently appropriated agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule Chapter NHA 3 currently contains the requirements for the Nursing Home Administrator Board to approve educational programs leading to licensing. The Board has identified the need to clarify this criterion to ensure that they are consistent with current professional and academic standards, and to prevent confusion within academic institutions and with potential licensees.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The alternative to promulgating rules would be to not update the rules. This would result in stakeholders continuing to lack clarity as to the requirements to what constitutes acceptable educational programs.

16. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule is to reduce delays in approval of education programs for NHA licensure.

17. Compare With Approaches Being Used by Federal Government

42 USC § 1396a provides requirements state medical assistance plans must meet to be eligible for federal grants, including a requirement that states have a program for licensing nursing home administrators. Under 42 USC § 1396g (c) (1) to (6), a state agency or board that licenses nursing home administrators is required to:

- “Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators.”
- “Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards.”
- “Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards.”
- “Establish and carry out procedures designed to ensure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.”
- “Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.”
- “Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.”

The proposed rules will ensure the provisions for licensure, examinations, and approval of educational programs under ch. NHA 3 comply with the above requirements.

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

Illinois: Rules of the Illinois Department of Financial and Professional Regulation establish education requirements for licensure, which includes any of the following:

- Graduation from an accredited college or university with the minimum of a Baccalaureate Degree.
- Satisfactory completion of an approved course of instruction in nursing home administration.
- Graduation from a three year diploma nurse program and two years of qualifying experience.
- An associate degree or a minimum of 60 semester or 90 quarter hours of credit earned from an accredited college or university and qualifying experience.

The rules also include approved nursing home administration courses from an accredited college or university (68 Ill. Adm. Code 1310.40) and the details of the qualifying experience that applicants can utilize in lieu of education (68 Ill. Adm. Code 1310.50).

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

Iowa: The rules of the Iowa Board of Nursing Home Administrators include provisions for licensure requirements (645 IAC 141.2) and educational qualifications (645 IAC 141.4), which includes specific provisions depending on the type of education received by the applicant. The three group of provisions are divided into:

- Applicants with degrees in health care administration, health services administration, health care management, health services management, nursing home administration or long-term care administration.
- Applicants with degrees in other disciplines.
- Foreign-trained applicants.

Michigan: The rules of the Michigan Department of Licensing and Regulatory Affairs include adoption of the procedures and criteria for recognizing accrediting organizations of the Council of Higher Education Accreditation (CHEA) and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education (MI Admin. Code, R 339.14005). They also include approval of courses of instruction and training (MI Admin Code, R 339.14007). The Michigan Compiled Laws establish that if the department and board find that there are not a sufficient number of courses of instruction and training sufficient to meet the requirements of this part conducted within this state, the department may conduct 1 or more of those courses or training sessions, or both. Additionally, department and board may approve a course of instruction, or a training session conducted within or without this state if the department determines that it is sufficient to meet the education and training requirements for licensure (MCL 333.17311).

Minnesota: The Minnesota Board of Executives for Long Term Services and Support licenses for Nursing Home Administrators and Health Services Executives. The rules specify that an applicant for licensure must have a bachelor's degree and have completed courses in areas related to the administration of nursing homes (MN Admin. Rules 6400.6000 and MN Admin. Rules 6400.6550). An applicant can also apply for a waiver of course requirement under MN Admin. Rules 6400.6560.

19. Contact Name Sofia Anderson	20. Contact Phone Number 608-261-4463
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This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 23-033

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

In SECTION 2 of the proposed rule, it appears to be the intent of the agency to grant “pre-approved” status to NAB-accredited courses and programs on a prospective basis, meaning that a course or program that does not exist at the time the rule would be promulgated would nonetheless be deemed pre-approved by the agency. Pre-approval of this nature should be reconsidered, as it likely constitutes an improper delegation of authority to the National Association of Long Term Care Administrator Boards. [See s. 1.14 (5) (Note), Manual.] If pre-approval of prospective courses or programs is not intended, the rule text should be revised to more specifically define the accredited courses and programs to which “pre-approved” status is granted.

2. Form, Style and Placement in Administrative Code

In SECTION 1 of the proposed rule, the treatment of s. NHA 3.01 should be indicated as “~~All~~ Except as provided in sub. (1m), all...”. [s. 1.04 (4), Manual.]

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

In SECTION 2 of the proposed rule, should “Executive” instead be written as the plural “Executives”?

STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	NURSING HOME
NURSING HOME ADMINISTRATOR	:	ADMINISTRATOR
EXAMINING BOARD	:	EXAMINING BOARD
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 23-033)

PROPOSED ORDER

An order of the Nursing Home Administrator Examining Board to **amend** NHA 3.01 and to **create** NHA 3.01 (1m); relating to board approval of education programs.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 456.02 (1) and 456.03 (4).

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2) (a), and 456.03 (4), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 227.11 (2) (a), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 456.03 (4), Stats., provides that an applicant for a license as a nursing home administrator shall complete “a regular course of study or equivalent specialized courses or a program of study which the examining board considers adequate academic preparation for nursing home administration.”

Related statute or rule:

None.

Plain language analysis:

Chapter NHA 3 currently contains the requirements for the Nursing Home Administrator Board to approve educational programs leading to licensing. After review, the Board is adding a provision to pre-approve all National Association of Long Term Care Administrator Boards (NAB) accredited programs for Nursing Home Administrator and Health Services Executive in order to ensure that the rules are consistent with current

professional and academic standards, and to prevent confusion within academic institutions and with potential licensees.

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

42 USC § 1396a provides requirements state medical assistance plans must meet to be eligible for federal grants, including a requirement that states have a program for licensing nursing home administrators. Under 42 USC § 1396g (c) (1) to (6), a state agency or board that licenses nursing home administrators is required to:

- “Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators.”
- “Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards.”
- “Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards.”
- “Establish and carry out procedures designed to ensure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.”
- “Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.”
- “Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.”

The proposed rules will ensure the provisions for licensure, examinations, and approval of educational programs under ch. NHA 3 comply with the above requirements.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:

N/A.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation establish education requirements for licensure, which includes any of the following:

- Graduation from an accredited college or university with the minimum of a Baccalaureate Degree.
- Satisfactory completion of an approved course of instruction in nursing home administration.
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Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of ch. NHA 3 to ensure the rules are consistent with current professional, academic, and licensing practices and standards and applicable Wisconsin statutes.

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The proposed rule was posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is 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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Sofia Anderson, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Sofia Anderson, Administrative Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before August 17, 2023, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. NHA 3.01 is amended to read:

NHA 3.01 Board approval. (1) ~~All~~ Except as provided in sub. (1m), all regular courses of study, programs of study, and specialized courses shall be approved by the board.

SECTION 2. NHA 3.01 (1m) is created to read:

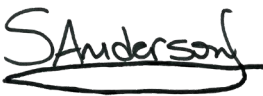
(1m) Regular courses of study and programs of study accredited by NAB for Nursing Home Administrators and Health Services Executives shall be considered ~~pre~~-approved by the board. Approval will remain valid unless explicitly revoked by the board or its designated authority.

SECTION 3. 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)

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson – Administrative Rules Coordinator		2) Date when request submitted: August 4, 2023	
Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting			
3) Name of Board, Committee, Council, Sections: Nursing Home Administrators Examining Board			
4) Meeting Date: August 17, 2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and consideration 1. Update: Notes on chapter NHA 3. 2. Pending and possible rulemaking projects.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <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: Attachments: 1. Old NHA 3 with notes 2. New NHA 3 without notes. 3. NHA rules projects chart			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: right;"> 08/04/2023 <hr/> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> Supervisor (if required) </div> <div style="text-align: right;"> Date </div> </div> <hr/> 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.			

Chapter NHA 3

EDUCATIONAL PROGRAMS MEETING LICENSING AND CONTINUING EDUCATIONAL REQUIREMENTS

NHA 3.01 Board approval.
NHA 3.02 Continuing education.

NHA 3.03 Approval of continuing education programs.

Note: Chapter NHA 3 as it existed on June 30, 1980 was repealed and a new chapter NHA 3 was created effective July 1, 1980.

NHA 3.01 Board approval. (1) All regular courses of study, programs of study, and specialized courses shall be approved by the board.

Note: A list of approved regular courses of study, programs of study, and specialized courses is available from the department of safety and professional services' website at: <http://dsps.wi.gov>.

(2) An application for approval of a regular course of study shall include a current copy of the college or university catalog that contains a summary of the requirements for completion of the degree program, including a list of the required courses and a description of the supervised clinical practicum.

(3) An application for approval of a program of study shall include a current copy of the college or university catalog that contains a summary of the requirements for completion of the program of study, including a list and description of the required courses and the number of credits approved for each course.

(4) An application for approval of a specialized course shall include a current copy of the course syllabus, a description of the course, and the number of proposed credits.

Note: A list of approved regular courses of study, programs of study and specialized courses is available upon request to the board office at 1400 East Washington Avenue, P. O. Box 8935, Madison, Wisconsin 53708 or from the Department of Safety and Professional Services' website at: <http://dsps.wi.gov>.

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; renum. NHA 3.01 to be NHA 3.01 (1), cr. (2), (3) and (4), Register, September, 1997, No. 501, eff. 10-1-97; CR18-054: am. Register June 2021 No. 786, eff. 7-1-21.

NHA 3.02 Continuing education. (1) Except as provided in sub. (7), every nursing home administrator shall complete at least 24 contact hours in approved continuing education programs in each biennial renewal period.

(1m) Except as provided in s. NHA 3.03 (4) and (5), continuing education programs must be approved by NAB.

Note: A list of approved programs is available from the department of safety and professional services' website at: <http://dsps.wi.gov>.

(2) Continuing education contact hours may apply only to the biennial renewal period in which the contact hours are acquired.

(3) If audited, a nursing home administrator shall submit to the board a certificate of attendance issued by the provider or other evidence of attendance satisfactory to the board.

(4) To audit for compliance, the board shall require any nursing home administrator who is under investigation by the board for alleged misconduct to submit evidence of completion of 24 hours of continuing education for the biennium preceding the renewal.

(5) Every nursing home administrator shall maintain records of continuing education hours for at least 5 years for auditing purposes.

(6) A licensee may claim continuing education hours for courses successfully completed at an accredited college or university if all of the following requirements are satisfied:

(a) The courses are relevant to the practice of nursing home administration and cover one or more of the subject matter topics listed under s. NHA 3.03 (5).

(b) The courses are completed, with a passing grade, within the 2-year period immediately preceding the date of application for renewal.

(c) The licensee claims no more than 18 contact hours of the required 24 contact hours during the 2-year period immediately preceding the date of application for renewal.

(d) One semester credit hour earned from an accredited college or university shall equal 4 contact hours and one quarter credit hour earned shall equal 2 contact hours.

(7) During the time between initial licensure and commencement of a full 2-year licensure period, new licensees are not required to meet continuing education requirements.

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; am. (3), cr. (4) and (5), Register, June, 1991, No. 426, eff. 7-1-91; cr. (1m), Register, September, 1997, No. 501, eff. 10-1-97; CR 01-101: am. (5), Register February 2002 No. 554, eff. 3-1-02; CR 06-010: am. (1) and (1m), cr. (6) and (7) Register July 2006 No. 607, eff. 8-1-06; CR18-054: am. (4) Register June 2021 No. 786, eff. 7-1-21.

NHA 3.03 Approval of continuing education programs. (1) An application for a continuing education program shall be submitted to NAB for approval. Any continuing education program approved by NAB shall be accepted by the board if all of the following are satisfied:

(a) The program relates to one or more of the following general subject areas:

1. General administration of a nursing home.
2. Long-term patient care.
3. Organization of health-care systems.

(b) The program is available to all nursing home administrators regardless of membership in any organization.

(c) The provider of the continuing education program agrees to monitor the attendance, furnish to each participant evidence of having completed the program, and maintain records verifying attendance for 5 years.

Note: To obtain an application for approval of a continuing education program, contact NAB at <http://www.nabweb.org>.

(2) Except as provided in sub. (5), a separate application shall be submitted for each continuing education program.

(3) In-service programs sponsored by nursing homes are not eligible for approval unless the programs are available to all nursing home administrators.

(4) Any continuing education program submitted to NAB in a timely manner according to NAB procedures which is not approved may be submitted to the board for consideration. The request must be submitted at least 20 days prior to the date the program will be offered, and shall include all of the following:

- (a) A copy of the notification from NAB indicating the reason or reasons the program was not approved.
- (b) An outline of the program.
- (c) A general description of the program's subject matter.
- (d) The time and location the program is to be held.
- (e) The name and title of the instructor of the program.

Note: Requests should be mailed to the Nursing Home Administrator Examining Board, P. O. Box 8366, Madison, Wisconsin 53708-8366.

(5) A course offered by an accredited college or university shall be accepted by the board, without NAB approval and with-

out receipt of an application for approval from the accredited college or university, if the course is relevant to the practice of nursing home administration and covers at least one of the following subject areas:

- (a) Behavioral science, including psychology, sociology, and social work.
- (b) Business, including economics, marketing, accounting, finance, labor relations, human resources, and management of information systems.
- (c) Management.
- (d) Communications.

- (e) Mathematics.
- (f) Pharmacology.
- (g) Toxicology.
- (h) Biology.
- (i) Environmental and public health.
- (j) Medical ethics.

History: Cr. [Register, June, 1980, No. 294](#), eff. 7-1-80; r. (1), (4) and (5), renum. (2), (3) and (6) to be (1) to (3) and am. (1) (intro.), (a), (c) and (3), cr. (4), [Register, June, 1991, No. 426](#), eff. 7-1-91; am. (1) (a) 1., (3) and (4), [Register, September, 1997, No. 501](#), eff. 10-1-97; [CR 06-010](#): am. (1) (intro.) and (c) and (2), cr. (5) [Register July 2006 No. 607](#), eff. 8-1-06; [CR 18-054](#); renum. (4) to (4) (intro.) and am., cr. (4) (a) to (e) [Register June 2021 No. 786](#), eff. 7-1-21.

Chapter NHA 3

EDUCATIONAL PROGRAMS MEETING LICENSING AND CONTINUING EDUCATIONAL REQUIREMENTS

NHA 3.01 Board approval.
NHA 3.02 Continuing education.

NHA 3.03 Approval of continuing education programs.

Note: Chapter NHA 3 as it existed on June 30, 1980 was repealed and a new chapter NHA 3 was created effective July 1, 1980.

NHA 3.01 Board approval. (1) All regular courses of study, programs of study, and specialized courses shall be approved by the board.

(2) An application for approval of a regular course of study shall include a current copy of the college or university catalog that contains a summary of the requirements for completion of the degree program, including a list of the required courses and a description of the supervised clinical practicum.

(3) An application for approval of a program of study shall include a current copy of the college or university catalog that contains a summary of the requirements for completion of the program of study, including a list and description of the required courses and the number of credits approved for each course.

(4) An application for approval of a specialized course shall include a current copy of the course syllabus, a description of the course, and the number of proposed credits.

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; renum. NHA 3.01 to be NHA 3.01 (1), cr. (2), (3) and (4), Register, September, 1997, No. 501, eff. 10-1-97; CR18-054: am. Register June 2021 No. 786, eff. 7-1-21.

NHA 3.02 Continuing education. (1) Except as provided in sub. (7), every nursing home administrator shall complete at least 24 contact hours in approved continuing education programs in each biennial renewal period.

(1m) Except as provided in s. NHA 3.03 (4) and (5), continuing education programs must be approved by NAB.

Note: A list of approved programs is available from the department of safety and professional services' website at: <http://dps.wi.gov>.

(2) Continuing education contact hours may apply only to the biennial renewal period in which the contact hours are acquired.

(3) If audited, a nursing home administrator shall submit to the board a certificate of attendance issued by the provider or other evidence of attendance satisfactory to the board.

(4) To audit for compliance, the board shall require any nursing home administrator who is under investigation by the board for alleged misconduct to submit evidence of completion of 24 hours of continuing education for the biennium preceding the renewal.

(5) Every nursing home administrator shall maintain records of continuing education hours for at least 5 years for auditing purposes.

(6) A licensee may claim continuing education hours for courses successfully completed at an accredited college or university if all of the following requirements are satisfied:

(a) The courses are relevant to the practice of nursing home administration and cover one or more of the subject matter topics listed under s. NHA 3.03 (5).

(b) The courses are completed, with a passing grade, within the 2-year period immediately preceding the date of application for renewal.

(c) The licensee claims no more than 18 contact hours of the required 24 contact hours during the 2-year period immediately preceding the date of application for renewal.

(d) One semester credit hour earned from an accredited college or university shall equal 4 contact hours and one quarter credit hour earned shall equal 2 contact hours.

(7) During the time between initial licensure and commencement of a full 2-year licensure period, new licensees are not required to meet continuing education requirements.

History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; am. (3), cr. (4) and (5), Register, June, 1991, No. 426, eff. 7-1-91; cr. (1m), Register, September, 1997, No. 501, eff. 10-1-97; CR 01-101: am. (5), Register February 2002 No. 554, eff. 3-1-02; CR 06-010: am. (1) and (1m), cr. (6) and (7) Register July 2006 No. 607, eff. 8-1-06; CR18-054: am. (4) Register June 2021 No. 786, eff. 7-1-21.

NHA 3.03 Approval of continuing education programs. (1) An application for a continuing education program shall be submitted to NAB for approval. Any continuing education program approved by NAB shall be accepted by the board if all of the following are satisfied:

(a) The program relates to one or more of the following general subject areas:

1. General administration of a nursing home.
2. Long-term patient care.
3. Organization of health-care systems.

(b) The program is available to all nursing home administrators regardless of membership in any organization.

(c) The provider of the continuing education program agrees to monitor the attendance, furnish to each participant evidence of having completed the program, and maintain records verifying attendance for 5 years.

Note: To obtain an application for approval of a continuing education program, contact NAB at <http://www.nabweb.org>.

(2) Except as provided in sub. (5), a separate application shall be submitted for each continuing education program.

(3) In-service programs sponsored by nursing homes are not eligible for approval unless the programs are available to all nursing home administrators.

(4) Any continuing education program submitted to NAB in a timely manner according to NAB procedures which is not approved may be submitted to the board for consideration. The request must be submitted at least 20 days prior to the date the program will be offered, and shall include all of the following:

(a) A copy of the notification from NAB indicating the reason or reasons the program was not approved.

(b) An outline of the program.

(c) A general description of the program's subject matter.

(d) The time and location the program is to be held.

(e) The name and title of the instructor of the program.

Note: Requests should be mailed to the Nursing Home Administrator Examining Board, P. O. Box 8366, Madison, Wisconsin 53708-8366.

(5) A course offered by an accredited college or university shall be accepted by the board, without NAB approval and without receipt of an application for approval from the accredited college or university, if the course is relevant to the practice of nursing home administration and covers at least one of the following subject areas:

(a) Behavioral science, including psychology, sociology, and social work.

(b) Business, including economics, marketing, accounting, finance, labor relations, human resources, and management of information systems.

(c) Management.

(d) Communications.

(e) Mathematics.

(f) Pharmacology.

(g) Toxicology.

(h) Biology.

(i) Environmental and public health.

(j) Medical ethics.

History: Cr. [Register, June, 1980, No. 294](#), eff. 7-1-80; r. (1), (4) and (5), renum. (2), (3) and (6) to be (1) to (3) and am. (1) (intro.), (a), (c) and (3), cr. (4), [Register, June, 1991, No. 426](#), eff. 7-1-91; am. (1) (a) 1., (3) and (4), [Register, September, 1997, No. 501](#), eff. 10-1-97; [CR 06-010](#): am. (1) (intro.) and (c) and (2), cr. (5) [Register July 2006 No. 607](#), eff. 8-1-06; [CR 18-054](#): renum. (4) to (4) (intro.) and am., cr. (4) (a) to (e) [Register June 2021 No. 786](#), eff. 7-1-21.

**Nursing Home Administrators Examining Board
Rule Projects (updated 8/4/2023)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Synopsis	Current Stage	Next Step
23-033	069-22	02/22/2025	NHA 3	Board approval of education programs	The Board will review chapter NHA 3 in order to revise the criteria for board approval of education programs.	Public Hearing scheduled for August meeting.	Final Rule Draft and Legislative Report submission to Governor's Office.
			NHA 3.01 (1) and (4) (note) – <i>NOT A RULEMAKING PROJECT</i>	Remove note in NHA 3.01 (1) and (4)	“Note: A list of approved regular courses of study, programs of study and specialized courses is available upon request to the board office at 1400 East Washington Avenue, P. O. Box 8935, Madison, Wisconsin 53708 or from the Department of Safety and Professional Services’ website at: http://dsps.wi.gov ”	Note removed on June 26 by publication in the Administrative Register.	N/A

From: [Azam, Dialah - DSPS](#)
To: [Ryan, Tom - DSPS](#); [Taylor, Brenda - DSPS](#)
Subject: RE: Save the Date for NAB's 2023 Mid-Year Meeting
Date: Tuesday, August 1, 2023 7:31:17 AM

I've added this to the travel voucher. I'll watch for the agenda request form

Dialah Azam
Bureau Assistant

Department of Safety and Professional Services | Division of Policy Development
P: (608) 261 – 0450
F: (608) 251 – 3032

From: Ryan, Tom - DSPS <tom.ryan@wisconsin.gov>
Sent: Tuesday, August 1, 2023 7:06 AM
To: Taylor, Brenda - DSPS <brenda.taylor@wisconsin.gov>; Azam, Dialah - DSPS <dialah.azam@wisconsin.gov>
Subject: FW: Save the Date for NAB's 2023 Mid-Year Meeting

fyi

From: NAB <nab@nabweb.org>
Sent: Monday, July 31, 2023 9:40 AM
To: Ryan, Tom - DSPS <tom.ryan@wisconsin.gov>
Subject: Save the Date for NAB's 2023 Mid-Year Meeting

CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

[View as Webpage](#)

Save the Date for NAB's 2023 Mid-Year Meeting

October 25-27, 2023

Have you marked your calendars? Make plans to join us for NAB's Mid-Year Meeting October 25-27 in New Orleans, LA. NOLA is known for its world-renowned music, cuisine, and celebrations and NAB is pleased to announce that we will be holding the Mid-Year Meeting from October 25-27 at the [InterContinental New Orleans](#). Make plans to experience all that The Big Easy has to offer.

Online registration will be open in August, so stay tuned!



Schedule At-a-Glance

October 25

- NAB Foundation Meeting
- Orientation to NAB
- Academic Forum
- NCERS Forum
- State Board Members Forum
- State Executive Forum
- Chairman's Reception

October 26

- Continuing Education Meeting
- Member Relations & Outreach Meeting
- Education Meeting
- State Governance & Regulatory Issues Meeting
- Education Session
- Bylaws Meeting
- Thursday Night Social Event

October 27

9:00 am - Noon EST Board of Governors Meeting

[Visit Our Meeting Page](#)

Questions or concerns?
Contact us at (202) 712-9040 or nab@nabweb.org

Follow us on on social media for the most up-to-date #NABnews

