



**TELECONFERENCE/VIRTUAL
NURSING HOME ADMINISTRATOR EXAMINING BOARD
Room 121B, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
June 27, 2018**

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

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A) Adoption of Agenda (1-3)

B) Approval of Minutes of March 19, 2018 (4-9)

C) Administrative Matters

- 1) Department and Staff Updates
- 2) Board Members – Term Expiration Dates
 - a) Kathleen Bertram – 7/1/2018
 - b) Brittany Cobb – 7/1/2018
 - c) April Folger – 7/1/2019 (*Appointed, not yet confirmed.*)
 - d) Charles Hawkins – 7/1/2021 (*Reappointed, not yet confirmed.*)
 - e) Susan Kinast-Porter – 7/1/2009
 - f) Jessica Radtke
 - g) Patrick Shaughnessy – 7/1/2019 (*Reappointed, not yet confirmed.*)
 - h) Vacant – Public Member
 - i) Vacant – Public Member
 - j) Vacant – Nursing Home Administrator Member

D) Legislative and Administrative Rule Matters – Discussion and Consideration

- 1) Preliminary Draft Rules for NHA 1 to 4, Relating to Requirements for Licensure, Examinations and Approval of Educational Programs **(10-31)**
- 2) Update on Legislation or Pending or Possible Rulemaking Projects

E) National Association of Long Term Care Administrator Boards (NAB) Matters

- 1) Consider Request for NAB Best Practice Review of Wisconsin Program
- 2) Ongoing NAB Mid-Year and Annual Meeting Participation
 - a) Note 2019 Meeting Dates
 - 1) Mid-Year Meeting – June 5-7
 - 2) Annual Meeting – November 13-15

- F) 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 Administrative Rule Matters
 - 11) Liaison Reports
 - 12) Board Liaison Training and Appointment of Mentors
 - 13) Informational Items
 - 14) Division of Legal Services and Compliance (DLSC) Matters
 - 15) Presentations of Petitions for Summary Suspension
 - 16) Petitions for Designation of Hearing Examiner
 - 17) Presentation of Proposed Stipulations, Final Decisions and Orders
 - 18) Presentation of Proposed Final Decisions and Orders
 - 19) Presentation of Interim Orders
 - 20) Petitions for Re-Hearing
 - 21) Petitions for Assessments
 - 22) Petitions to Vacate Orders
 - 23) Requests for Disciplinary Proceeding Presentations
 - 24) Motions
 - 25) Petitions
 - 26) Appearances from Requests Received or Renewed
 - 27) 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) 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) Proposed Interim Orders
- 17) Petitions for Assessments and Evaluations
- 18) Petitions to Vacate Orders
- 19) Remedial Education Cases
- 20) Motions
- 21) Petitions for Re-Hearing
- 22) Appearances from Requests Received or Renewed

I) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

L) Delegation and Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

NEXT MEETING DATE: AUGUST 23, 2018

 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 at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the council's agenda, please call the listed contact person. The council may consider materials or items filed after the transmission of this notice. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112

**NURSING HOME ADMINISTRATORS EXAMINING BOARD
TELECONFERENCE/VIRTUAL MEETING MINUTES
March 19, 2018**

PRESENT: Kathleen Bertram, Brittany Cobb, April Folgert, Charles Hawkins, Jessica Radtke, Patrick Shaughnessy

EXCUSED: Susan Kinast-Porter

STAFF: Tom Ryan, Executive Director; Laura Smith, Bureau Assistant; and other Department Staff

CALL TO ORDER

Patrick Shaughnessy, Vice Chair, called the meeting to order at 9:33 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: April Folgert moved, seconded by Charles Hawkins, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Charles Hawkins moved, seconded by April Folgert, to approve the minutes of May 18, 2017 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

ELECTION OF OFFICERS

BOARD CHAIR

NOMINATION: Patrick Shaughnessy nominated himself for the Office of Board Chair.

Tom Ryan called for nominations three (3) times.

Patrick Shaughnessy was elected as Chair by unanimous consent.

VICE CHAIR

NOMINATION: Patrick Shaughnessy nominated Charles Hawkins for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Charles Hawkins was elected as Vice Chair by unanimous consent.

SECRETARY

NOMINATION: Patrick Shaughnessy nominated Brittany Cobb for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Brittany Cobb was elected as Secretary by unanimous consent.

2018 ELECTION RESULTS	
Board Chair	Patrick Shaughnessy
Vice Chair	Charles Hawkins
Secretary	Brittany Cobb

LIAISON APPOINTMENTS

2018 LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Patrick Shaughnessy Alternate – Charles Hawkins
Office of Education and Exams Liaison	Charles Hawkins Alternate – Patrick Shaughnessy
Monitoring Liaison	April Folgert Alternate – Patrick Shaughnessy
Professional Assistance Procedure (PAP) Liaison	April Folgert Alternate – Patrick Shaughnessy
Legislative Liaison	Jessica Radtke Alternate – Charles Hawkins
Travel Liaison	Brittany Cobb Alternate – Charles Hawkins
Administrative Rules Liaison	Charles Hawkins Alternate – Brittany Cobb
Website Liaison	Patrick Shaughnessy Alternate – Jessica Radtke
Screening Panel March 2018 – January 2019	Brittany Cobb, Patrick Shaughnessy Alternate – Charles Hawkins

MOTION: Brittany Cobb moved, seconded by Charles Hawkins, to affirm the Chair's appointment of liaisons for 2018. Motion carried unanimously.

DELEGATION MOTIONS

Delegated Authority for Urgent Matters

MOTION: April Folgert moved, seconded by Brittany Cobb, that, in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: April Folgert moved, seconded by Brittany Cobb, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: April Folgert moved, seconded by Brittany Cobb, to delegate authority to the Chair or chief presiding officer, highest ranking officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board the Chair, highest ranking officer, or longest serving member of the Board has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director, or designee, to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Charles Hawkins moved, seconded by Jessica Radtke, to delegate authority to the Credentialing Liaisons to make all credentialing decisions. Motion carried unanimously.

MOTION: April Folgert moved, seconded by Brittany Cobb, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Monitoring Delegations

MOTION: April Folgert moved, seconded by Brittany Cobb, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" document as presented. Motion carried unanimously.

Travel Delegation

MOTION: April Folgert moved, seconded by Brittany Cobb, to delegate authority to the Travel Liaison to approve any Board Member travel. Motion carried unanimously.

Annual Meeting Delegation

MOTION: Brittany Cobb moved, seconded by Kathleen Bertram, to designate Tom Ryan to attend all annual and mid-year NAB meetings as the Board's delegate, and to authorize his travel. Motion carried unanimously.

Voluntary Surrenders

MOTION: Charles Hawkins moved, seconded by Brittany Cobb, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender of a license by a licensee who has a pending complaint or disciplinary matter per Wis. Stat. § 440.19. Motion carried unanimously.

Education Delegation

MOTION: April Folgert moved, seconded by Brittany Cobb, to delegate authority to the Office of Education and Examination Liaison(s) to address all issues related to CE, education and examinations. Motion carried unanimously.

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

MOTION: Jessica Radtke moved, seconded by Charles Hawkins, to authorize 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: Brittany Cobb moved, seconded by Kathleen Bertram to designate the Chair, highest ranking officer, or longest serving member 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.

Rules Liaison Delegation

MOTION: April Folgert moved, seconded by Kathleen Bertram, to grant the Rules Liaison the ability to address all rule-making language. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Charles Hawkins moved, seconded by Brittany Cobb, to delegate authority to the Legislative Liaison to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

MOTION: Brittany Cobb moved, seconded by April Folgert, to designate Jessica Radtke as the Board's liaison to represent and speak on behalf of the Board regarding occupational license review and related matters. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS – DISCUSSION AND CONSIDERATION

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

MOTION: Jessica Radtke moved, seconded by Patrick Shaughnessy to remove the existing Position Statements and Frequently Asked Questions on the Nursing Home Administrator Examining Board's webpage. Motion carried unanimously.

CLOSED SESSION

MOTION: Charles Hawkins moved seconded by Brittany Cobb, 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.). The Chair read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kathleen Bertram-yes; Brittany Cobb-yes; April Folgert-yes; Charles Hawkins-yes; Patrick Shaughnessy-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:11 a.m.

RECONVENE TO OPEN SESSION

MOTION: April Folgert moved, seconded by Charles Hawkins, to reconvene in Open Session at 10:15 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Brittany Cobb moved, seconded by Charles Hawkins, to affirm all votes taken and motions made in closed session. Motion carried unanimously.

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

Administrative Warnings

17 NHA 013

MOTION: April Folgert moved, seconded by Kathleen Bertram, to issue an Administrative Warning in the matter of T.W.H., DLSC Case Number 17 NHA 013. Motion carried unanimously.

17 NHA 020

MOTION: Charles Hawkins moved, seconded by April Folgert, to issue an Administrative Warning in the matter of N.J.G., DLSC Case Number 17 NHA 020. Motion carried unanimously.

Case Closings

16 NHA 061

MOTION: Brittany Cobb moved, seconded by Charles Hawkins, to close DLSC Case No. 16 NHA 061 against J.S.B., for Prosecutorial Discretion (P2). Motion carried unanimously.

**DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION
OF LICENSES AND CERTIFICATES**

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

MOTION: Charles Hawkins moved, seconded by April Folgert, to authorize Tom Ryan to sign the Administrative Warnings issued today on behalf of Patrick Shaughnessy. Motion carried unanimously.

ADJOURNMENT

MOTION: April Folgert moved, seconded by Jessica Radtke, to adjourn the meeting at 10:20 a.m. Motion carried unanimously.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 5/7/18 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Nursing Home Administrator Examining Board			
4) Meeting Date: 5/17/18	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters – Discussion and Consideration 1. Preliminary Draft Rules for NHA 1 to 4 Relating to Requirements for Licensure, Examinations, and Approval of Educational Programs 2. Update on Pending Legislation and Pending and Possible Rulemaking Projects	
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:			
11) Authorization			
<i>Dale Kleven</i>		<i>May 7, 2018</i>	
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.			

STATE OF WISCONSIN
NURSING HOME ADMINISTRATORS EXAMINING BOARD

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

PROPOSED ORDER

An order of the Nursing Home Administrators Examining Board to **repeal** NHA 4.01 (1) (c) and (2) and 4.02 (2) (b) 1. and 2.; to **renumber and amend** NHA 2.02 (4), 3.03 (4), 4.02 (2) (b) (intro.), and 4.03; to **amend** NHA 1.01, 1.02 (intro.), (2) (intro.), (a) (intro.) and 1. to 4., (b) (intro.) and 1. to 6., (c) (intro.) and 1. to 8., (d) (intro.) and 1. to 8., and (e), (3), (3m), (5m) (intro.) and (a) to (f), (6) (intro.) and (a) to (d), (7), and (8) (intro.), 2.02 (intro.), (3), and (Note), 2.04 (1) and (2), 2.05, 3.01 (1), (Note), (2), (3), and (4), 3.02 (Note), (4), and (6) (intro.), 3.03 (1) (intro.) and (Note) and (4) (Note), 4.01 (title) and (1) (intro.), (a), (b), (Note), (d) (intro.), 2., and 3., and (e), 4.02 (1) (intro.), (a), and (b), (2) (intro.) and (a) 1. to 4., and (3) (a) (intro.), 1., and 3., (b), and (c); to **repeal and recreate** NHA 2.01; and to **create** NHA 3.03 (4) (a) to (e), 4.01 (1) (d) 4., and 4.015 (5); relating to requirements for licensure, examinations, and approval of educational programs.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

Sections 15.08 (5) (b), 456.02 (7), 456.03 (4), 456.05 (intro.), and 456.08, Stats.

Explanation of agency authority:

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

Section 456.02 (7), Stats., provides the Nursing Home Administrators Examining Board shall “[d]evelop and enforce standards for the supervised practical experience to be required for licensure.”

Section 456.03 (4), Stats., provides 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.”

Section 456.05 (intro.), Stats., provides “[t]he examining board shall determine the subjects of examination for applicants for licensure as nursing home administrators, and the scope, content and format of such examinations.”

Section 456.08, Stats., provides “[t]he examining board may grant a nursing home administrator license under this chapter to a person who holds a nursing home administrator license issued by the proper authorities of any other state, upon payment of the fee specified in s. 440.05 (2) and upon submission of satisfactory evidence of the person's qualifications.”

Related statute or rule:

None.

Plain language analysis:

The Nursing Home Administrators Examining Board conducted a comprehensive evaluation and update of chs. NHA 1 to 4 to ensure its rules relating to requirements for licensure, examinations, and approval of educational programs are consistent with current professional, academic, licensing, and examination practices and standards and applicable Wisconsin statutes. As a result, the following updates have been made:

- Section NHA 2.01 is revised to reflect a change in July 2017 to the structure of the national examination administered by NAB. The examination for nursing home administrators now consists of 2 parts, the Core of Knowledge Examination for Long Term Care Administrators and the National Nursing Home Administrators Line of Service Examination.
- Sections NHA 4.01 (1) (b) and (d) 4.03 (1) are revised to allow active certification as a health services executive granted by NAB to satisfy an applicant’s education, experience, and national examination requirements for licensure. An applicant with NAB certification is still required to pass an examination on laws and administrative rules of this state governing nursing home administration.
- Section NHA 3.02 (4) is revised to comply with s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59. Under this provision, the Board may require a credential holder to submit proof of completing continuing education programs or courses only if a complaint is made against the credential holder.
- Other provisions throughout chs. NHA 1 to 4 have been revised to update notes, provide clarity, and conform to current drafting standards.

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 insure 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 insure 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 chs. NHA 1 to 4 comply with the above requirements.

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Financial and Professional Regulation address the practice of nursing home administration in Illinois (68 Ill. Adm. Code 1310). The rules include provisions concerning examinations (68 Ill. Adm. Code 1310.30 and 1310.60), approved nursing home administration courses (68 Ill. Adm. Code 1310.40), and qualifying experience (68 Ill. Adm. Code Section 1310.50). The rules do not explicitly allow certification as a health services executive granted by NAB to satisfy any requirements for licensure.

Iowa: Rules of the Iowa Board of Nursing Home Administrators address the practice of nursing home administration in Iowa (645 IAC 141 to 144). The rules include provisions for licensure requirements (645 IAC 141.2), examination requirements (645 IAC 141.3), and educational qualifications (645 IAC 141.4). The rules do not explicitly allow certification as a health services executive granted by NAB to satisfy any requirements for licensure.

Michigan: Rules of the Michigan Department of Licensing and Regulatory Affairs address the practice of nursing home administration in Michigan (Mich Admin Code, R 339.14001 to R 339.14035). The rules include approval of courses of instruction and training (Mich Admin Code, R 339.14007), application requirements (Mich Admin Code, R 339.14008), and examinations (Mich Admin Code, R 339.14009 and R 339.14011).

The rules do not explicitly allow certification as a health services executive granted by NAB to satisfy any requirements for licensure.

Minnesota: Rules of the Minnesota Board of Examiners for Nursing Home Administrators address the practice of nursing home administration in Minnesota (Minnesota Rules, chapter 6400). The rules include licensure requirements (Minnesota Rules, Part 6400.6000), applying for licensure (Minnesota Rules, Part 6400.6100), and course requirements (Minnesota Rules, Parts 6400.6400 to 6400.6660). The rules do not explicitly allow certification as a health services executive granted by NAB to satisfy any requirements for licensure.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of chs. NHA 1 to 4 to ensure the rules are consistent with current professional, academic, licensing, and examination 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 rules will be 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.

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 Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. NHA 1.01 is amended to read:

NHA 1.01 Authority. The rules in chs. NHA 1 to 5 are adopted pursuant to ss. 15.08 (5) (b), 227.11 (2), and 456.02, Stats.

SECTION 2. NHA 1.02 (intro.), (2) (intro.), (a) (intro.) and 1. to 4., (b) (intro.) and 1. to 6., (c) (intro.) and 1. to 8., (d) (intro.) and 1. to 8., and (e), (3), (3m), (5m) (intro.) and (a) to (f), (6) (intro.) and (a) to (d), (7), and (8) (intro.) are amended to read:

NHA 1.02 (intro.) Definitions. As used in ~~ch. 456, Stats., and in~~ chs. NHA 1 to 5:

(2) (intro.) "Experience in the field of institutional administration" means work experience acquired in any consecutive 36-month period within the 5-year period immediately preceding the date of application for licensure, as an employee, student, trainee, or intern in the total operation and activities of a nursing home under the supervision of persons licensed under ch. 456, Stats., or holding the equivalent license in another state recognized by the board, and exposure to and knowledge of each of the following:

(a) (intro.) Fiscal management, including, ~~but not limited to~~ all the following:

1. Financial planning, forecasting, and budgeting;
2. Accounting practices and principles;
3. Fiscal intermediaries;
4. Public finance programs, ~~and~~.

(b) (intro.) Environmental services, including, ~~but not limited to~~ all the following:

1. Preventive maintenance programs for buildings and equipment;
2. Sanitation procedures, practices, and policies;
3. Design needs of the disabled;
4. Environmental safety practices, policies, and procedures and accident prevention;
5. Maintenance, housekeeping, laundry, and security functions;
6. Relationship between health facility management; ~~and~~.

(c) (intro.) Resident services, including, ~~but not limited to~~ all the following:

1. Therapy services;
2. Physician services;
3. Social services;
4. Resident food services;
5. Resident activities;
6. Patient care;
7. Drug handling and control;
8. Nursing services; ~~and~~.

(d) (intro.) Personnel management, including, ~~but not limited to~~ all the following:

1. Recruiting, interviewing, hiring, and training;
2. Reviewing, disciplining, and supervising of employees;
3. ~~Record keeping~~, Recordkeeping;
4. Preparation of statistical reports;
5. Wage and salary administration;
6. Health care staffing patterns;

7. Human relations;₂

8. Administering fringe benefit programs,~~and~~₂

(e) State and federal inspections for compliance with applicable nursing home laws, rules,₂ and regulations.

(3) "NAB" means the ~~national association~~ National Association of boards of examiners of long term care administrators Long Term Care Administrator Boards.

(3m) "Nursing home" has the meaning given ~~under~~ in s. 456.01 (2), Stats.

(5m) (intro.) "Pattern of serious violations of federal or state statutes, rules,₂ or regulations" means the occurrence of any of the following:

(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),₂ or (d), within 36 months of each other, but resulting from different inspections.

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

(6) (intro.) "Program of study" means a prescribed sequence of courses that is offered by a university or college, accredited by a regional or national accrediting agency recognized by the U.S. department of education,~~which~~ and that consists of at least one course of 3 credit hours in each of the following:

(a) Laws governing the operation of licensed nursing homes;₂

(b) Elements of proper and effective administration of licensed nursing homes;₂

(c) Protection of the interests, safety,₂ and well-being of residents;~~and~~₂

(d) Psychological, physical, medical,₂ and social needs of residents.

(7) "Regular course of study" means a prescribed program of courses offered by a university or college, accredited by a regional or national accrediting agency recognized by the U.S. department of education, which leads to an associate, baccalaureate, master,₂ or doctoral degree and ~~which~~ that includes a program of study and a supervised clinical practicum.

(8) (intro.) "Specialized courses" means individual courses that are offered by one or more educational institutions or course providers ~~which and that~~ lead to adequate preparation in each of the following general subject areas in nursing home administration:

SECTION 3. NHA 2.01 is repealed and recreated to read:

NHA 2.01 Examinations. An applicant for a license as a nursing home administrator shall pass all the following examinations:

(1) The Core of Knowledge Examination for Long Term Care Administrators administered by NAB.

(2) The National Nursing Home Administrators Line of Service Examination administered by NAB.

(3) An examination administered by the board on laws and administrative rules of this state governing nursing home administration.

SECTION 4. NHA 2.02 (intro.) and (3) are amended to read:

NHA 2.02 (intro.) Application for examination. An applicant for examination for a license as a nursing home administrator shall ~~apply on a form provided by the board. An applicant shall also~~ submit all the following to the board:

(3) ~~A statement relating to any pending criminal charge or conviction record, subject~~ Subject to ss. 111.321, 111.322, and 111.335, Stats., ~~An if an applicant who has a pending criminal charge or has a an arrest or conviction record, shall provide the board with all related information~~ documentation necessary for the board to determine whether the circumstances ~~of the pending charge or conviction~~ substantially relate to the practice of nursing home administration.

SECTION 5. NHA 2.02 (4) is renumbered NHA 2.02 (1m) and amended to read:

NHA 2.02 (1m) An application on a form provided by the board. 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.

SECTION 6. NHA 2.02 (Note) is amended to read:

NHA 2.02 (Note) Applications are available from the Department of Safety and Professional Services, ~~Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ at (608) 266-2112 or dsps@wisconsin.gov, or from the department's Department's website at: <http://dsps.wi.gov>.

SECTION 7. NHA 2.04 (1) and (2) are amended to read:

NHA 2.04 (1) NATIONAL. To pass the national examination under s. NHA 2.01 (1) or (2), each an applicant shall receive a grade determined by the board to represent minimum competence to practice. The board may adopt the passing grade recommended ~~by the examination provider~~ NAB.

(2) STATE. To pass the ~~state-law~~ examination under s. NHA 2.01 (3), ~~each~~ an applicant shall receive a grade determined by the board to represent minimum competence to practice. The board shall determine the passing grade after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

SECTION 8. NHA 2.05 is amended to read:

NHA 2.05 Rules of conduct. The board may deny the application for licensure of any applicant who violates the rules of conduct of ~~the~~ an examination under s. NHA 2.01.

SECTION 9. NHA 3.01 (1), (Note), (2), (3), and (4) are amended to read:

NHA 3.01 (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 ~~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>.~~

(2) An application for approval of a regular course of study shall include a current copy of the college or university catalog ~~which~~ 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 ~~which~~ 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.

SECTION 10. NHA 3.02 (Note), (4), and (6) (intro.) are amended to read:

NHA 3.02 (Note) A list of approved programs 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>.

(4) To audit for compliance, the board ~~may~~ 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.

(6) (intro.) 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:

SECTION 11. NHA 3.03 (1) (intro.) and (Note) are amended to read:

NHA 3.03 (1) (intro.) 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:

(Note) To obtain an application for approval of a continuing education program, contact NAB at ~~1444 I Street, N.W., #700, Washington, D.C., 20005-6542~~ <http://www.nabweb.org>.

SECTION 12. NHA 3.03 (4) is renumbered NHA 3.03 (4) (intro.) and amended to read:

NHA 3.03 (4) (intro.) 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 ~~on forms provided by the board~~ at least 20 days prior to the date the program will be offered, and shall include all the written notification from NAB stating the reasons the program was not approved, an outline of the program, a general description of the subject matter, the time and location, and the name and title of the instructor of the program. following:

SECTION 13. NHA 3.03 (4) (a) to (e) are created to read:

NHA 3.03 (4) (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.

SECTION 14. NHA 3.03 (4) (Note) is amended to read:

NHA 3.03 (4) (Note) ~~Correspondence~~ Requests should be mailed to the Nursing Home Administrator Administrators Examining Board, should be mailed to P. O. Box 8366, Madison, Wisconsin 53708-8366.

SECTION 15. NHA 4.01 (title) and (1) (intro.), (a), and (b) are amended to read:

NHA 4.01 (title) Licensure by examination, education, and experience.

(1) (intro.) APPLICATION. An applicant for licensure shall submit all the following:

(a) ~~Submit an~~ An application for licensure on a form ~~approved~~ provided by the board.

(b) ~~Satisfy~~ Evidence of satisfying the examination requirements ~~specified in under s. NHA 2.01 (3).~~ Active certification as a health services executive granted by NAB shall be accepted as evidence of satisfying the requirements under s. NHA 2.01 (1) and (2).

SECTION 16. NHA 4.01 (1) (c) is repealed.

SECTION 17. NHA 4.01 (1) (Note) and (d) (intro.), 2., and 3. are amended to read:

NHA 4.01 (1) (Note) Applications are available from the Department of Safety and Professional Services, ~~Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, at (608) 266-2112,~~ dsps@wisconsin.gov, or from the ~~department's~~ Department's website at: http://dsps.wi.gov.

(d) (intro.) ~~Satisfy any~~ Evidence of successful completion of one of the following educational ~~and experience~~ requirements:

2. A program of study and one year of experience in the field of institutional administration.

3. Specialized courses and one year of experience in the field of institutional administration.

SECTION 18. NHA 4.01 (1) (d) 4. is created to read:

NHA 4.01 (1) (d) 4. Active certification as a health services executive granted by NAB.

SECTION 19. NHA 4.01 (1) (e) is amended to read:

NHA 4.01 (1) (e) ~~Provide a statement relating to any pending criminal charge or conviction record, subject~~ Subject to ss. 111.321, 111.322, and 111.335, Stats., a statement relating to any pending criminal charge or conviction record. An applicant who has a pending criminal charge or has a conviction record shall provide the board with all related information necessary for the board to determine whether the circumstances of the pending charge or conviction substantially relate to the practice of nursing home administration.

SECTION 20. NHA 4.01 (2) is repealed.

SECTION 21. NHA 4.015 (5) is created to read:

NHA 4.015 (5) The fee required under s. 440.05 (2), Stats.

SECTION 22. NHA 4.02 (1) (intro.), (a), and (b) and (2) (intro.) and (a) 1. to 4. are amended to read:

NHA 4.02 (1) (intro.) REQUIREMENTS FOR RENEWAL. To renew and obtain a new certificate of registration a licensee ~~must~~ shall, by July 1 of the even-numbered year following initial licensure and every 2 years thereafter, file all the following with the board:

(a) An application for renewal on a form prescribed by the board;

(b) ~~Evidence that~~ Certification from the licensee ~~has that~~, during the biennial period immediately preceding application, ~~completed~~ the licensee has completed the continuing education requirements specified in s. NHA 3.02;

(2) (intro.) FAILURE TO RENEW. A licensee who fails to meet the requirements of sub. (1) by the renewal date shall cease and desist from ~~acting~~ practicing as a nursing home administrator. A licensee who has failed to meet the requirements under sub. (1) may renew and obtain a new certificate of registration by satisfying the following requirements:

- (a) 1. An application for renewal on a form prescribed by the board;
2. An affidavit that the licensee has not ~~acted~~ practiced as a nursing home administrator after July 1 of the biennial period for which the licensee was last currently registered;
3. ~~Evidence that~~ Certification from the licensee ~~has, within the 24 months immediately preceding application, completed 24 contact hours in approved~~ that the continuing education programs as required under s. NHA 3.02; and, has been completed.
4. The required renewal fees under ss. 440.03 (9) (a), and 440.08 (3), Stats.

SECTION 23. NHA 4.02 (2) (b) (intro.) is renumbered NHA 4.02 (2) (b) and amended to read:

NHA 4.02 (2) (b) If applying 5 years or more after the renewal date, satisfying the requirements ~~in~~ under par. (a) and submitting ~~proof~~ evidence of: successful completion of any educational coursework or examination required by the board to ensure protection of the public health, safety, and welfare. This paragraph does not apply to licensees who have unmet disciplinary requirements or whose licenses have been surrendered or revoked.

SECTION 24. NHA 4.02 (2) (b) 1. and 2. are repealed.

SECTION 25. NHA 4.02 (3) (a) (intro.), 1., and 3., (b), and (c) are amended to read:

NHA 4.02 (3) (a) (intro.) A licensee ~~whose license~~ who has unmet disciplinary requirements, ~~such as a suspension, which and has not been renewed~~ failed to renew a license within 5 years ~~after~~ of the renewal date or whose license has been surrendered or revoked may apply for reinstatement of the license by submitting all ~~of~~ the following:

1. Evidence of completion of the requirements ~~in~~ under s. NHA 4.02 (2) (b) ~~if the licensee has not held an active Wisconsin license within the last 5 years.~~
3. Evidence of rehabilitation or change in circumstances, warranting reinstatement of the license.

(b) A licensee whose license has been revoked may not apply for reinstatement of the license until ~~1~~ one year after revocation of the license, in accordance with s. 456.11 (2), Stats.

(c) A licensee may not practice as a nursing home administrator prior to being granted reinstatement of a license under this subsection.

SECTION 26. NHA 4.03 is renumbered NHA 4.015 and amended to read:

NHA 4.015 Reciprocity Licensure by reciprocity. The board ~~at its discretion and otherwise subject to laws pertaining to licensure of nursing home administrators~~ may grant a license as a nursing home administrator to an applicant who holds a current and

unrestricted license issued by the proper authorities in any other jurisdiction, ~~which has not been revoked or suspended, upon payment of the fee required under s. 440.05 (2), Stats., and submission of evidence satisfactory to an application form provided by the board that the applicant has satisfied along with~~ all of the following:

(1) ~~Has Evidence of~~ a bachelor's degree in any field that was obtained from an accredited college or university, ~~or holds a current certification as a nursing home administrator granted by the American college College of health care administrators Health Care Administrators, or current certification as a health services executive granted by NAB.~~

Note: The American College of Health Care Administrators may be contacted at 1800 Diagonal Road, Suite 355, Alexandria, VA 22314 <http://www.achca.org>.

(2) ~~Has practiced as a nursing home administrator for~~ Evidence of at least 2,000 hours of practice as a nursing home administrator in any consecutive 3-year period within the 5-year period immediately preceding the date of application for licensure.

(3) ~~Has passed~~ Evidence of passing the ~~state law~~ examination required for licensure under s. NHA 2.01 (3) ~~(b)~~.

(4) ~~Does not have an arrest or conviction record, subject~~ Subject to ss. 111.321, 111.322, and 111.335, Stats., a statement relating to any pending criminal charge or conviction record. An applicant who has a pending criminal charge or ~~has a~~ conviction record shall provide the board with all related information necessary for the board to determine whether the circumstances of the pending charge or conviction substantially relate to the practice of nursing home administration.

SECTION 27. 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)

Chapter NHA 1

AUTHORITY AND DEFINITIONS

NHA 1.01 Authority. The rules in chs. NHA 1 to 5 are adopted pursuant to ss. 15.08 (5) (b), 227.11 (2), and 456.02, Stats.

NHA 1.02 Definitions. As used in ~~ch. 456, Stats., and in~~ chs. NHA 1 to 5:

(1) "Accredited college or university" means an educational institution that is accredited by a regional or national accrediting agency recognized by the U.S. department of education.

(1m) "Credit hour" means, for purposes of education completed to obtain an initial credential, a period of at least 50 minutes of instruction for a term of not less than 16 sessions. For purposes of continuing education, one earned semester credit hour shall be granted 4 contact hours of continuing education credit, and one earned quarter credit hour shall be granted 2 contact hours of continuing education credit.

(2) "Experience in the field of institutional administration" means work experience acquired in any consecutive 36-month period within the 5-year period immediately preceding the date of application for licensure, as an employee, student, trainee, or intern in the total operation and activities of a nursing home under the supervision of persons licensed under ch. 456, Stats., or holding the equivalent license in another state recognized by the board, and exposure to and knowledge of each of the following:

(a) Fiscal management, including, ~~but not limited to~~ all the following:

1. Financial planning, forecasting, and budgeting;
2. Accounting practices and principles;
3. Fiscal intermediaries;
4. Public finance programs; ~~and~~
5. Management of residents' funds.

(b) Environmental services, including, ~~but not limited to~~ all the following:

1. Preventive maintenance programs for buildings and equipment;
2. Sanitation procedures, practices, and policies;
3. Design needs of the disabled;
4. Environmental safety practices, policies, and procedures and accident prevention;
5. Maintenance, housekeeping, laundry, and security functions;
6. Relationship between health facility management; ~~and~~
7. Government environmental service providers.

(c) Resident services, including, ~~but not limited to~~ all the following:

1. Therapy services;
2. Physician services;
3. Social services;
4. Resident food services;
5. Resident activities;
6. Patient care;

7. Drug handling and control_{7.2}
 8. Nursing services_{7.2} ~~and~~
 9. Rehabilitative and restorative.
- (d) Personnel management, including ~~but not limited to~~ all the following:
1. Recruiting, interviewing, hiring, and training_{7.2}
 2. Reviewing, disciplining, and supervising ~~of~~ employees_{7.2}
 3. ~~Record-keeping~~, Recordkeeping.
 4. Preparation of statistical reports_{7.2}
 5. Wage and salary administration_{7.2}
 6. Health care staffing patterns_{7.2}
 7. Human relations_{7.2}
 8. Administering fringe benefit programs_{7.2} ~~and~~
 9. State and federal employment regulations.
- (e) State and federal inspections for compliance with applicable nursing home laws, rules_{7.2} and regulations.
- (2n)** "Inspection" means any type of inspection conducted by the Wisconsin department of health services pursuant to s. 50.04, Stats., or 42 CFR Part 488.
- (3)** "NAB" means the ~~national association~~ National Association of ~~boards of examiners of long-term care administrators~~ Long Term Care Administrator Boards.
- (3m)** "Nursing home" has the meaning given ~~under~~ in s. 456.01 (2), Stats.
- (4)** "One contact hour" means a period of attendance in a continuing education program of at least 50 minutes.
- (5m)** "Pattern of serious violations of federal or state statutes, rules_{7.2} or regulations" means the occurrence of any of the following:
- (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_{7.2} 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_{7.2} 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_{7.2} 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)_{7.2} or (d), within 36 months of each other, but resulting from different inspections.

- (f) ~~At least 2~~ Two 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.
- (6) "Program of study" means a prescribed sequence of courses that is offered by a university or college, accredited by a regional or national accrediting agency recognized by the U.S. department of education, ~~which and that~~ consists of at least one course of 3 credit hours in each of the following:
- (a) Laws governing the operation of licensed nursing homes;
 - (b) Elements of proper and effective administration of licensed nursing homes;
 - (c) Protection of the interests, safety, and well-being of residents; ~~and~~
 - (d) Psychological, physical, medical, and social needs of residents.
- (7) "Regular course of study" means a prescribed program of courses offered by a university or college, accredited by a regional or national accrediting agency recognized by the U.S. department of education, which leads to an associate, baccalaureate, master, or doctoral degree and ~~which that~~ includes a program of study and a supervised clinical practicum.
- (8) "Specialized courses" means individual courses that are offered by one or more educational institutions or course providers ~~which and that~~ lead to adequate preparation in each of the following general subject areas in nursing home administration:
- (a) Administration of a nursing home.
 - (b) Long-term patient care.
 - (c) Organizations of health-care systems.
- (9) "Supervised clinical practicum" means work experience acquired in a nursing home in conjunction with a regular course of study.

Chapter NHA 2

REQUIREMENTS FOR EXAMINATION

NHA 2.01 Examinations. ~~An applicant for a license as a nursing home administrator shall pass all the following examinations:~~

- (1) ~~The Core of Knowledge Examination for Long Term Care Administrators administered by NAB.~~
- (2) ~~The National Nursing Home Administrators Line of Service Examination administered by NAB.~~
- (3) ~~An examination administered by the board on laws and administrative rules of this state governing nursing home administration.~~
- ~~(4) The board shall determine the subjects for examination of applicants for license as a nursing home administrator. The scope, content, form and character of the examinations shall be the same for all candidates.~~
- ~~(2) Examinations shall be held at a time and place designated by the board.~~
- ~~(3) The examination shall consist of the following:~~
 - ~~(a) Part I—the national examination prepared by NAB, and~~
 - ~~(b) Part II—the state law examination prepared by the board.~~

NHA 2.02 Application for examination. An applicant for examination for a license as a nursing home administrator shall ~~apply on a form provided by the board. An applicant shall also~~ submit all the following to the board:

~~(4) (1m)~~ An application on a form provided by the board. 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.

(2) The fees authorized by s. 440.05 (1), Stats.

(3) ~~A statement relating to any pending criminal charge or conviction record, subject~~ Subject to ss. 111.321, 111.322, and 111.335, Stats., ~~An if an~~ applicant ~~who has a pending criminal charge or has a an arrest or~~ conviction record, ~~shall provide the board with all related information documentation~~ necessary for the board to determine whether the circumstances ~~of the pending charge or conviction~~ substantially relate to the practice of nursing home administration.

Note: Applications are available from the Department of Safety and Professional Services, ~~Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ at (608) 266-2112 or dsps@wisconsin.gov, or from the ~~department's~~ Department's website at: <http://dsps.wi.gov>.

NHA 2.04 Passing grades.

(1) NATIONAL. To pass the national examination under s. NHA 2.01 (1) or (2), ~~each an~~ applicant shall receive a grade determined by the board to represent minimum competence to practice. The board may adopt the passing grade recommended by ~~the examination provider~~ NAB.

(2) STATE. To pass the ~~state-law~~ examination under s. NHA 2.01 (3), ~~each an~~ applicant shall receive a grade determined by the board to represent minimum competence to practice. The board shall determine the passing grade after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

NHA 2.05 Rules of conduct. The board may deny the application for licensure of any applicant who violates the rules of conduct of ~~the an~~ examination under s. NHA 2.01.

Chapter NHA 3

EDUCATIONAL PROGRAMS MEETING LICENSING AND CONTINUING EDUCATIONAL REQUIREMENTS

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 ~~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>.

(2) An application for approval of a regular course of study shall include a current copy of the college or university catalog ~~which 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 ~~which 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.

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 ~~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>.

(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 ~~may~~ **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.

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 ~~1444 I Street, N.W., #700, Washington, D.C., 20005-6542~~ <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 ~~on forms provided by the board~~ at least 20 days prior to the date the program will be offered, and shall include all the ~~written notification from NAB stating the reasons the program was not approved, an outline of the program, a general description of the subject matter, the time and location, and the name and title of the instructor of the program.~~ 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: ~~Correspondence~~ Requests should be mailed to the Nursing Home ~~Administrator~~ Administrators Examining Board, ~~should be mailed to~~ 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.

Chapter NHA 4

LICENSURE

NHA 4.01 Licensure by examination, education, and experience.

(1) APPLICATION. An applicant for licensure shall submit all the following:

- (a) ~~Submit an~~ An application for licensure on a form ~~approved~~ provided by the board.
- (b) ~~Satisfy~~ Evidence of satisfying the examination requirements ~~specified in under~~ s. NHA 2.01 ~~(3)~~.
Active certification as a health services executive granted by NAB shall be accepted as evidence of satisfying the requirements under s. NHA 2.01 (1) and (2).
- ~~(c) If the applicant has not completed a regular course of study, submit evidence of successful completion of one year of experience in the field of institutional administration.~~

Note: Applications are available from the Department of Safety and Professional Services, ~~Division of Professional Credentialing~~, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, at (608) 266-2112, dsps@wisconsin.gov, or from the ~~department's~~ Department's website at: <http://dsps.wi.gov>.

(d) ~~Satisfy any~~ Evidence of successful completion of one of the following educational and experience requirements:

1. A regular course of study.
2. A program of study and one year of experience in the field of institutional administration.
3. Specialized courses and one year of experience in the field of institutional administration.
4. Active certification as a health services executive granted by NAB.

(e) ~~Provide a statement relating to any pending criminal charge or conviction record, subject~~ Subject to ss. 111.321, 111.322, and 111.335, Stats., a statement relating to any pending criminal charge or conviction record. An applicant who has a pending criminal charge or has a conviction record shall provide the board with all related information necessary for the board to determine whether the circumstances of the pending charge or conviction substantially relate to the practice of nursing home administration.

~~(2) REAPPLICATION. An applicant who fails to satisfy all requirements for licensure within 2 years after filing an application for licensure shall file a new application, retake the state law examination and resubmit verification of successful completion of the NAB examination.~~

(3) REGISTRATION. Every person granted a license as a nursing home administrator shall be deemed registered for the current registration period. Registrants must qualify biennially for certificates of renewal.

NHA 4.03 4.015 Reciprocity Licensure by reciprocity. The board ~~at its discretion and otherwise subject to laws pertaining to licensure of nursing home administrators~~ may grant a license as a nursing home administrator to an applicant who holds a current and unrestricted license issued by the proper authorities in any other jurisdiction, ~~which has not been revoked or suspended~~, upon payment of the fee required under s. 440.05 (2), Stats., and submission of evidence satisfactory to an application form provided by the board ~~that the applicant has satisfied along with~~ all ~~of~~ the following:

- (1) ~~Has~~ Evidence of a bachelor's degree in any field that was obtained from an accredited college or university, ~~or holds a~~ current certification as a nursing home administrator granted by the American ~~college~~ College of ~~health care administrators~~ Health Care Administrators, or current certification as a health services executive granted by NAB.

Note: The American College of Health Care Administrators may be contacted at ~~1800-Diagonal Road, Suite 355, Alexandria, VA 22314~~ <http://www.achca.org>.

- (2) ~~Has practiced as a nursing home administrator for~~ Evidence of at least 2,000 hours of practice as a nursing home administrator in any consecutive 3-year period within the 5-year period immediately preceding the date of application for licensure.
- (3) ~~Has passed Evidence of passing the state-law examination required for licensure~~ under s. NHA 2.01 (3) ~~(b)~~.
- (4) ~~Does not have an arrest or conviction record, subject~~ Subject to ss. 111.321, 111.322, and 111.335, Stats., a statement relating to any pending criminal charge or conviction record. An applicant who has a pending criminal charge or ~~has a~~ conviction record shall provide the board with all related information necessary for the board to determine whether the circumstances of the pending charge or conviction substantially relate to the practice of nursing home administration.
- (5) The fee required under s. 440.05 (2), Stats.

NHA 4.02 Biennial renewal.

- (1) REQUIREMENTS FOR RENEWAL. To renew and obtain a new certificate of registration a licensee ~~must~~ shall, by July 1 of the even-numbered year following initial licensure and every 2 years thereafter, file all the following with the board:
 - (a) An application for renewal on a form prescribed by the board~~;~~.
 - (b) ~~Evidence that~~ Certification from the licensee ~~has that~~, during the biennial period immediately preceding application, ~~completed~~ the licensee has completed the continuing education requirements specified in s. NHA 3.02~~;~~.
 - (c) The fee required under s. 440.03 (9) (a), Stats.
- (2) FAILURE TO RENEW. A licensee who fails to meet the requirements of sub. (1) by the renewal date shall cease and desist from acting practicing as a nursing home administrator. A licensee who has failed to meet the requirements under sub. (1) may renew and obtain a new certificate of registration by satisfying the following requirements:
 - (a) If applying less than 5 years after the renewal date, submitting to the board:
 - 1. An application for renewal on a form prescribed by the board~~;~~.
 - 2. An affidavit that the licensee has not ~~acted~~ practiced as a nursing home administrator after July 1 of the biennial period for which the licensee was last currently registered~~;~~.
 - 3. ~~Evidence that~~ Certification from the licensee ~~has, within the 24 months immediately preceding application, completed 24 contact hours in approved that the~~ continuing education ~~programs as~~ required under s. NHA 3.02~~; and, has been completed.~~
 - 4. The required renewal fees under ss. 440.03 (9) (a)~~;~~ and 440.08 (3), Stats.
 - (b) If applying 5 years or more after the renewal date, satisfying the requirements ~~in~~ under par. (a) and submitting ~~proof evidence of:~~ successful completion of any educational coursework or examination required by the board to ensure protection of the public health, safety, and welfare. This paragraph does not apply to licensees who have unmet disciplinary requirements or whose licenses have been surrendered or revoked.
 - 1. ~~Successful completion of educational coursework required by the board to ensure protection of the public health, safety, and welfare; and,~~
 - 2. ~~Successful completion of an examination required by the board to ensure protection of the public health, safety and welfare.~~

(3) REINSTATEMENT.

- (a) A licensee ~~whose license who~~ has unmet disciplinary requirements, ~~such as a suspension, which and~~ has ~~not been renewed~~ failed to renew a license within 5 years ~~after~~ of the renewal date or whose license has been surrendered or revoked may apply for reinstatement of the license by submitting all ~~of~~ the following:
1. Evidence of completion of the requirements ~~in~~ under s. NHA 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 the license.
- (b) A licensee whose license has been revoked may not apply for reinstatement of the license until ~~+~~ one year after revocation of the license, in accordance with s. 456.11 (2), Stats.
- (c) A licensee may not practice as a nursing home administrator prior to being granted reinstatement of a license under this subsection.

NHA 4.04 Accommodations relating to a disability. A qualified applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for licensure submitted under s. NHA 4.01 or 4.03.

NHA 4.05 Display of license and current registration certificate. The license and certificate of biennial registration shall be displayed in a prominent place by every person licensed and currently registered by the board.