

**STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 18-054
NURSING HOME ADMINISTRATOR :
EXAMINING BOARD :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The Nursing Home Administrator 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.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Nursing Home Administrator Examining Board held a public hearing on August 23, 2018. The Board did not receive any written or verbal comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All Legislative Council recommendations have been incorporated into the proposed rule.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A

STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR EXAMINING BOARD

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|-----------------------------|---|-----------------------------|
| 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 18-054) |

PROPOSED ORDER

An order of the Nursing Home Administrator 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) and (4), 3.03 (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 1.02 (1g), 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:

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

Statutory authority:

Section 15.08 (5) (b), 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. . .”

Related statute or rule:

None.

Plain language analysis:

The Nursing Home Administrator 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 were 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 document 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 NathanielL.Ristow@wisconsin.gov, or by calling (608) 266-3445.

Agency contact person:

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

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

Comments may be submitted to Dale Kleven, 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 held at 9:30 a.m. on August 23, 2018, to be included in the record of rule-making proceedings.

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.) is amended to read:

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

SECTION 3. NHA 1.02 (1g) is created to read:

NHA 1.02 (1g) “Board” means the nursing home administrator examining board.

SECTION 4. NHA (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 (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 of 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 of 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 of 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 of 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;

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

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

(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) (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 5. 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 of 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 6. 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 of 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 7. 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 8. NHA 2.02 (Note) is amended to read:

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

SECTION 9. 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 10. 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 11. 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~~ department of Safety safety and Professional Services' 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 12. NHA 3.02 (Note) and (4) 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~~ department of Safety safety and Professional Services' 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.

SECTION 13. NHA 3.03 (Note) is amended to read:

NHA 3.03 (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 14. 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 of 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 15. 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 16. NHA 3.03 (4) (Note) is amended to read:

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

SECTION 17. 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 of 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 18. NHA 4.01 (1) (c) is repealed.

SECTION 19. 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~~ department of Safety and Professional Services, Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, professional services at (608) 266-2112, dsps@wisconsin.gov, or from the 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 20. 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 21. 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., ~~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 22. NHA 4.01 (2) is repealed.

SECTION 23. NHA 4.015 (5) is created to read:

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

SECTION 24. 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 of 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 25. 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 a licensee who has unmet disciplinary requirements or whose license has been surrendered or revoked.

SECTION 26. NHA 4.02 (2) (b) 1. and 2. are repealed.

SECTION 27. 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~~ who has unmet disciplinary requirements, ~~such as a suspension, which and~~ has not ~~been~~ renewed 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 ~~±~~ 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 28. 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., ~~And 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 29. 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)

This Proposed Order of the Nursing Home Administrator Examining Board is approved for submission to the Governor and Legislature.

Dated 8/30/18

Agency 
Chairperson
Nursing Home Administrator Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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| 1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected | 2. Date 20180711 |
| 3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) NHA 1 to 4 | |
| 4. Subject Requirements for licensure, examinations, and approval of educational 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 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 type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" 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 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 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: <ul style="list-style-type: none">• 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. | |
| 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. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received. | |
| 13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA. | |

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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)

The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

The Department estimates one-time administrative costs of \$158.62. These costs may be absorbed in the agency budget.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing clarity and reflecting current professional, academic, licensing, and examination practices and standards and applicable Wisconsin statutes. If the rule is not implemented, it will continue to contain outdated references.

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarity, updated references, and conformity with the Wisconsin Statutes.

17. Compare With Approaches Being Used by Federal Government

None

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 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.

19. Contact Name

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20. Contact Phone Number

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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:
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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
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