
Wisconsin Legislative Council

ACT MEMO



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2023 Wisconsin Act 183
[2023 Senate Bill 671]

**Student Qualification as
Nurse Aide**

BACKGROUND

Under current administrative rules promulgated by the Department of Health Services (DHS), a student enrolled in an approved nurse aide training program who has completed 16 hours of classroom training in certain required topics may be employed by a health care provider as a nurse aide if the student is a **full-time** permanent employee.

Current law also provides that a student allowed to be employed or contracted as a nurse aide may perform only services for which he or she has received training and has been found proficient by an instructor under the instructional program. In addition, a hospital, nursing home, home health agency, hospice, or intermediate care facility for persons with an intellectual disability employing or contracting a student may not include that individual in meeting or complying with a requirement for nursing care staff and functions, including a minimum nursing staff requirement.

2023 WISCONSIN ACT 183

2023 Wisconsin Act 183 requires that, subject to any necessary federal approval that DHS is required to seek, DHS allow a hospital, nursing home, intermediate care facility for persons with an intellectual disability, home health agency, or hospice to employ or contract for the services of students enrolled in an approved nurse aide program as a nurse aide, if the individual is employed **part-time** as a nurse's assistant, home health aide, or hospice aide fewer than 120 days, and has a preceptor.

The act requires that an individual employed or contracted as a nurse aide must pass a Wisconsin-approved nurse aide competency evaluation examination within 120 calendar days of the start of the individual's part-time employment as a nurse aide or may not continue to be employed or contracted as a nurse aide.

The current law requirements that a nurse aide student perform only services for which the student has been trained and found proficient, and that a facility not count a nurse aide student toward certain staffing requirements, also apply to a student allowed to be employed or contracted part-time as a nurse aide.

Effective date: March 24, 2024

For a full history of the bill, visit the Legislature's [bill history page](#).

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