

Clearinghouse Rule 06-010

STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : NURSING HOME ADMINISTRATOR
NURSING HOME ADMINISTRATOR : EXAMINING BOARD
EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 06-)

PROPOSED ORDER

An order of the Nursing Home Administrator Examining Board to renumber and amend NHA 1.02 (5); to amend the Note following NHA 3.01 (1), NHA 3.02 (1), (1m) and the Note following NHA 3.02 (1m), NHA 3.03 (1) (intro.), the Note following NHA 3.03 (1) (c), and (2); and to create NHA 3.02 (6) and (7), and 3.03 (5), relating to continuing education.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statute interpreted:

Section 456.07 (2), Stats.

Statutory authority:

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

Explanation of agency authority:

The Nursing Home Administrator Examining Board is authorized under ss. 15.08 (5) (b) and 227.11 (2), Stats., to promulgate rules establishing the continuing education requirements for the renewal of a nursing home administrator's license.

Related statute or rule:

There are no other statutes or rules other than those listed above.

Plain language analysis:

Under the current rules, in order for a licensee to obtain credit for continuing education course work completed at an accredited college or university, the course work must be approved by the National Association of Boards of Examiners of Long Term Care

Administrators (NAB). The board proposes to revise the rules to state that certain programs offered by accredited colleges and universities will be acceptable for continuing education hours without having to be approved by NAB.

The board also proposes to limit the number of continuing education hours that may be claimed for course work completed at accredited colleges and universities to 18 contact hours within the 2-year renewal period immediately preceding the date of renewal. In addition, the subject matter of the programs will be limited to specific areas that are relevant to the practice of nursing home administration.

SECTION 1. The board proposes to revise the definition of “one credit hour” to clarify that the current definition relates only to qualifying education. For purposes of continuing education, a semester credit hour means 4 contact hours and a quarter credit hour means 2 contact hours.

SECTION 2. Section NHA 3.01 (1) is amended to state that the list of approved regular courses of study, programs of study and specialized courses are also available on the department’s website.

SECTION 3. Currently, s. NHA 3.02 (1) states that every nursing home administrator shall complete at least 24 contact hours in approved continuing education programs in each biennial renewal period. Section 456.07 (2), Stats., contains a provision that exempts new licensees from having to comply with the continuing education requirements during the time between initial licensure and commencement of a full 2-year licensure period. The proposed rules are being revised to include this exemption.

In addition, s. NHA 3.02 (1m) currently states that except as provided in s. NHA 3.03 (4), continuing education programs must be approved by NAB. The rule is being amended to add sub. (5) which states that 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.

SECTION 4. Section NHA 3.02 (6) is being created to state that, if certain requirements are satisfied, a licensee may claim continuing education for courses successfully completed at an accredited college or university. Currently, s. NHA 3.02 (1), states that every nursing home administrator shall complete at least 24 contact hours in approved continuing education programs in each biennial renewal period. Section 456.07 (2), Stats., contains a provision that exempts new licensees from having to comply with the continuing education requirements during the time between initial licensure and commencement of a full 2-year licensure period. Section NHA 3.02 (7) is being created to state that new licensees are exempt from having to comply with the continuing education requirements during the time between initial licensure and commencement of a full 2-year licensure period.

SECTION 5. Section NHA 3.03 (1) (intro.) is being amended to state that, if certain requirements are satisfied, a program approved by NAB shall be accepted.

SECTION 6. Section NHA 3.03 (5) is being created to state that, if certain requirements are satisfied, 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.

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

There are no federal requirements that relate to the approval of continuing education programs for nursing home administrators.

Comparison with rules in adjacent states:

Illinois:

Accepts course work completed at a college or university, provided the college or university submits a sponsor application.

Iowa:

Accepts relevant academic courses that meet the criteria set forth in the agency's administrative rules. One academic semester hour is equivalent to 15 continuing education hours.

Michigan:

Accepts course work completed at a college or university for continuing education credit if the subject matter relates to specific topics identified in the agency's administrative rules.

Minnesota:

Approves academic courses taken at an accredited post-secondary institution.

Summary of factual data and analytical methodologies:

No study resulting in the collection of factual data was used relating to this rule. The primary methodology for revising the rule is the board's analysis and determination that a rule change is necessary.

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

The proposed rule would change the specific subject matter area requirements for continuing education for nursing home administrators licensed in Wisconsin. There are 3,124 nursing home administrators licensed in Wisconsin. Of the 3,124 nursing home

administrators licensed in Wisconsin, a significant percentage of them probably work in small businesses.

In order for nursing home administrators to renew their license, continuing education courses would have to be completed. Currently, to obtain credit for course work taken at a college or university, the course work must be approved by the National Association of Boards of Examiners of Long Term Care Administrators (NAB). The rule would allow certain course work offered at a college or university to be accepted for continuing education without obtaining approval from NAB. The rule would also limit the course work taken at colleges or universities to 18 of the 24 hours required. There will be no additional reporting requirements, bookkeeping requirements, or compliance costs. This rule would merely allow certain courses to be taken without obtaining approval from NAB. The same 24 hour requirement would be in place. This rule change will not have an effect on small business.

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The proposed rule will have no impact on the department’s funds.

Effect on small business:

These proposed rules will have no significant 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 larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

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

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email at pamela.haack@drl.state.wi.us. Comments must

be received on or before March 27, 2006 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. NHA 1.02 (5) is renumbered NHA 1.02 (1m) and is amended to read:

NHA 1.02 (1m) ~~“One credit hour”~~ “Credit hour” means, for purposes of qualifying education, 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.

SECTION 2. The Note following NHA 3.01 (1) is amended to read:

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 Regulation and Licensing’s website at: <http://drl.wi.gov>.

SECTION 3. NHA 3.02 (1), (1m) and the Note following NHA 3.02 (1m) are amended to read:

NHA 3.02 Continuing education. (1) ~~Every~~ 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 Regulation and Licensing’s website at: <http://drl.wi.gov>.

SECTION 4. NHA 3.02 (6) and (7) are created to read:

NHA 3.02 (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 renewal period immediately preceding the date of application for renewal.

(c) The licensee claims no more than 18 contact hours during the 2-year renewal period.

(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 shall not be required to meet continuing education requirements.

SECTION 5. NHA 3.03 (1) (intro.), the Note following NHA 3.03 (1) (c), and (2) are amended to read:

NHA 3.03 Approval of continuing education programs. (1) (intro.) An application for a continuing education program shall be ~~approved by~~ submitted to NAB according to the following criteria established 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., ~~20006-2210~~ 20005-6542; <http://www.nabweb.org>.

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

SECTION 6. NHA 3.03 (5) is created to read:

NHA 3.03 (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, but not limited to, psychology, sociology and social work.

(b) Business including, but not limited to, 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.

(END OF TEXT OF RULE)

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.

Dated _____ Agency _____
Chairperson
Nursing Home Administrator Examining Board

Ch NHA 3 CR06- (Continuing education) Draft to CH 2-14-06