

STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : NURSING HOME ADMINISTRATOR
NURSING HOME ADMINISTRATOR : EXAMINING BOARD
EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-101)

ORDER

An order of the Nursing Home Administrator Examining Board to amend NHA 1.02 (intro.) and (3), 2.02 (intro.), 3.02 (5), the Note following NHA 3.03 (1) (c), 4.01 (1) (d), and the Note following NHA 4.03 (1); and to create NHA 1.02 (2n), (5m) and 5.02 (15), relating to examination, education, continuing education, reciprocity requirements and unprofessional conduct.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 456.02, Stats.

Statutes interpreted: ss. 456.05, 456.07 (2), 456.08 and 456.10 (1) (d), Stats.

In this rule-making order the Nursing Home Administrator Examining Board amends several provisions contained in chs. NHA 1, 2, 3 and 4, relating to examination, education, continuing education and reciprocity requirements, and creates several provisions relating to unprofessional conduct.

First, the following minor and technical changes are made to the rules for purposes of clarity, grammar, form and style.

1. Name and address change. The definition of “NAB” found in s. NHA 1.02 (3), is being revised to reflect the organization’s name change. In addition, the note following s. NHA 3.03 is being revised to reflect NAB’s new address.

2. Application deadline. Section NHA 2.02 (intro.), requires an applicant to submit an application for examination “60 calendar days prior to the date of examination.” This requirement is being eliminated because the board now offers computer-based examinations on a weekly basis.

3. Continuing education hours. In s. NHA 3.02 (5), “continuing education credits” is being changed to “continuing education hours” to reflect the terminology used in chs. NHA 1 and 3.

4. Citation. The citation in s. NHA 4.01 (1) (d), to “s. NHA 2.02 (1) (a),” should read “s. NHA 2.02 (1).”

5. Address change. The note following s. NHA 4.03 (1) is being revised to reflect the American College of Health Care Administrators’ new address.

Second, s. NHA 1.02 (2n) is being created to define the term “inspection” to mean any type of inspection conducted by the Wisconsin Department of Health and Family Services pursuant to s. 50.04, Stats., or 42 CFR Part 488. Section 1.02 (5m) is being created to define “pattern of serious violations of federal or state statutes, rules or regulations,” as that phrase is used in s. 456.10 (1) (d), Stats.

Third, s. NHA 5.02 (15) is being created to state that it shall be unprofessional conduct for a nursing home administrator to intentionally provide false information to the board in connection with an application for a license or for renewal of a license.

TEXT OF RULE

SECTION 1. NHA 1.02 (intro.) is amended to read:

NHA 1.02 Definitions. (intro.) As used in ~~s. 456.04~~ ch. 456, Stats., and in chs. NHA 1 to 5:

SECTION 2. NHA 1.02 (2n) is created to read:

NHA 1.02 (2n). “Inspection” means any type of inspection conducted by the Wisconsin department of health and family services pursuant to s. 50.04, Stats., or 42 CFR Part 488.

SECTION 3. NHA 1.02 (3) is amended to read:

NHA 1.02 (3) “NAB” means the national association of boards of examiners ~~for nursing home of long term care~~ administrators.

SECTION 4. NHA 1.02 (5m) is created to read:

NHA 1.02 (5m) “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 ss. 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 ss. 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 ss. 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) of this subsection, within 36 months of each other, but resulting from different inspections.

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

SECTION 5. NHA 2.02 (intro.) is amended to read:

NHA 2.02 Application for examination. (intro.) An applicant for examination for a license as a nursing home administrator shall apply on a form provided by the board ~~at least 60 calendar days prior to the date of the examination.~~ An applicant shall also submit to the board:

SECTION 6. NHA 3.02 (5) is amended to read:

NHA 3.02 (5) Every nursing home administrator shall maintain records of continuing education ~~credits~~ hours for at least 5 years for auditing purposes.

SECTION 7. The Note following NHA 3.03 (1) (c) is amended to read:

Note: To obtain an application for approval of a continuing education program, contact NAB at ~~808 17th Street, N.W., #200, Washington, D.C. 20006~~ 1444 I Street, N.W., #700, Washington, D.C., 20006-2210.

SECTION 8. NHA 4.01 (1) (d) is amended to read:

NHA 4.01 (1) (d) Satisfy the educational requirements specified in s. NHA 2.02 (1) ~~(a)~~.

SECTION 9. The Note following NHA 4.03 (1) is amended to read:

Note: The American College of Health Care Administrators may be contacted at ~~325 South Patrick Street~~ 1800 Diagonal Road, Suite 355, Alexandria, VA 22314.

SECTION 10. NHA 5.02 (15) is created to read:

NHA 5.02 (15) Intentionally providing false information to the board in connection with an application for a license or for renewal of a license.

(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

g:\rules\nha2.doc
12/10/01