

CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Cletus J. Hansen, Director, Division of Business Licensure and Regulation in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Nursing Home Administrator Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Nursing Home Administrator Examining Board on the 22nd day of July, 1997.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 22nd day of July, 1997.



Cletus J. Hansen, Director, Division of Business Licensure and Regulation, Department of Regulation and Licensing

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 ADOPTING RULES
EXAMINING BOARD : (CLEARINGHOUSE RULE 97-042)

ORDER

An order of the Nursing Home Administrator Examining Board to repeal NHA 2.03 (1), (2) and (3), 5.01 and ch. NHA 6; to renumber NHA 4.02 (3); to renumber and amend NHA 1.02 (2) and (8), 2.03 (intro.) and 3.01; to amend NHA 1.01, 1.02 (intro.), (1) (intro.), (b) (intro.), 7., (c) (intro.), 9., (d) (intro.), (6) (intro.) and (7), 2.03 (title) and 3.03 (1) (a) 1., (3) and (4), 4.01 (1) (b), 4.03 (intro.), (2) and (3), 5.02 (3) and (12); to repeal and recreate NHA 1.02 (1) (c) 2., 2.02, 4.01 (1) (c) and 4.04; and to create NHA 1.02 (8) (a), (b), (c) and (9), 2.04, 2.05, 3.01 (2), (3) and (4), 3.02 (1m) and Note, 4.01 (1) (d) and (e) and 4.03 (4), relating to the licensure of nursing home administrators.

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. 456.02 (7), 456.04, 456.05, 456.08 and 456.10, Stats.

In this proposed rule-making order the Nursing Home Administrator Examining Board amends ss. NHA 1.02 (1) and NHA 4.03 (2), to clarify that the board will accept only experience which is acquired within a certain time period (any consecutive 36-month period within the 5-year period immediately preceding the date of application for licensure). In addition, under the current rules, credential applicants are required to submit applications for examination at least 30 days prior to the examination. Section NHA 2.02 is being repealed and recreated to require credential applicants to submit applications for examination to the board at least 60 calendar days prior to the date of the examination. Section NHA 4.02 (3) is renumbered s. NHA 4.05 for proper placement in the code.

Section NHA 1.02 (9) is created to define the term "supervised clinical practicum." Sections NHA 2.02 (1) (c), 4.01 (1) (e) and 4.03 (4) are created to clarify that credential applicants must provide information to the board relating to any pending criminal charge or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats. Finally, s. NHA 2.04 is created to identify the standard used by the board to determine the passing grades for the state and national examinations; s. NHA 2.05 is created to clarify that the board may deny an application for licensure if it determines that an applicant has violated the rules of conduct of the examination;

and s. NHA 3.01 (2), (3) and (4) are created to identify the board's procedure for approval of regular courses of study, programs of study and specialized courses.

Section NHA 4.01 (1) (c) is repealed and recreated to clarify that evidence of completion of the experience requirement must be submitted to the board in conjunction with the application for licensure, not the application for examination. Section NHA 4.04, which states, in part, that a reciprocal examination must be scheduled at a time mutually convenient to the applicant and the board, is not consistent with the board's current practice; therefore, the provision is being repealed. Finally, Ch. NHA 6, relating to access to public records, is also being repealed. The procedures for obtaining access to public records of governmental agencies are contained in Subchapter II of Ch. 19, Wis. Stats.

TEXT OF RULE

SECTION 1. NHA 1.01 is amended to read:

NHA 1.01 AUTHORITY. The rules in chs. NHA 1 ~~through 6~~ to 5 are adopted pursuant to ss. 15.08 (5) ~~(b)~~, 227.11 ~~(2)~~ and 456.02, Stats.

SECTION 2. NHA 1.02 (intro.), (1) (intro.), (b) (intro.), 7. and (c) (intro.) are amended to read:

NHA 1.02 DEFINITIONS. (intro.) As used in s. 456.04, Stats., and in ~~rules of the nursing home administrators examining board;~~ chs. NHA 1 to 5:

(1) (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 employe, student, trainee or intern in the total operation and activities of a licensed 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:

(b) (intro.) Environmental services, including, but not limited to:

7. ~~Governmental~~ Government environmental service providers.

(c) (intro.) Resident services, including, but not limited to:

SECTION 3. NHA 1.02 (1) (c) 2. is repealed and recreated to read:

NHA 1.02 (1) (c) 2. Physician services,

SECTION 4. NHA 1.02 (1) (c) 9. and (d) (intro.) are amended to read:

NHA 1.02 (1) (c) 9. ~~Rehabilitative/restorative~~ Rehabilitative and restorative.

(d) (intro.) Personnel management, including, but not limited to:

SECTION 5. NHA 1.02 (2) is renumbered NHA 1.02 (3m) and amended to read:

NHA 1.02 (3m) ~~“Licensed nursing~~ “Nursing home” has the meaning given under s. 456.01 (2), Stats.

SECTION 6. NHA 1.02 (6) (intro.) and (7) are amended to read:

NHA 1.02 (6) (intro.) “Program of study” means a prescribed sequence of courses ~~comprised~~ offered by a university or college, accredited by a regional or national accrediting agency recognized by the U.S. department of education, which consists of at least one course of 3 credit hours in each of the following:

(7) “Regular course of study” means a prescribed program of courses ~~in an established~~ 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 includes a program of study in the area of nursing home administration and a supervised clinical practicum.

SECTION 7. NHA 1.02 (8) is renumbered NHA 1.02 (8) (intro.) and amended to read:

NHA 1.02 (8) (intro.) “Specialized courses” means individual courses offered by one or more educational institutions or course providers which lead to adequate preparation in each of the following general subject areas in nursing home administration ~~as described in s. NHA 2.03:~~

SECTION 8. NHA 1.02 (8) (a), (b) and (c) are created to read:

NHA 1.02 (8) (a) Administration of a nursing home.

(b) Long-term patient care.

(c) Organizations of health-care systems.

SECTION 9. NHA 1.02 (9) is created to read:

NHA 1.02 (9) “Supervised clinical practicum” means work experience acquired in a nursing home in conjunction with a regular course of study.

SECTION 10. NHA 2.02 is repealed and recreated to read:

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 at least 60 calendar days prior to the date of the examination. An applicant shall also submit to the board:

(1) Evidence satisfactory to the board of having completed any one of the following:

(a) A regular course of study.

(b) A program of study.

(c) Specialized courses.

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

(3) A statement relating to any pending criminal charge or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats. 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.

(4) 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, or relating to the administration of an examination required under s. NHA 2.03.

Note 1: Application forms are available on request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

Note 2: A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 11. NHA 2.03 (title) amended to read:

NHA 2.03 (title) EXAMINATION REQUIREMENTS.

SECTION 12. NHA 2.03 (intro.) is renumbered NHA 2.03 and amended to read:

NHA 2.03 ~~Every~~ An applicant for a license as a nursing home administrator after meeting the requirements for qualification for examination ~~shall successfully pass an examination which may include any of the following general subject areas in nursing home administration~~ shall pass the examination under s. NHA 2.01 (3).

SECTION 13. NHA 2.03 (1), (2) and (3) are repealed.

SECTION 14. NHA 2.04 and 2.05 are created to read:

NHA 2.04 PASSING GRADES. (1) NATIONAL. To pass the national examination, each 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.

(2) STATE. To pass the state law examination, each 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 examination.

SECTION 15. NHA 3.01 is renumbered NHA 3.01 (1) and NHA 3.01 (1) and Note are amended to read:

NHA 3.01 (1) All regular courses of study, programs of study and specialized courses ~~in the subject area of nursing home administration~~ 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 located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53702 53708.

SECTION 16. NHA 3.01 (2), (3) and (4) are created to read:

NHA 3.01 (2) An application for approval of a regular course of study shall include a current copy of the college or university catalog which 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 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 17. NHA 3.02 (1m) and Note are created to read:

NHA 3.02 (1m) Except as provided in s. NHA 3.03 (4), 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.

SECTION 18. NHA 3.03 (1) (a) 1., (3) and (4) are amended to read:

NHA 3.03 (1) (a) 1. General administration of a ~~licensed~~ nursing home.

(3) In-service programs sponsored by ~~licensed~~ nursing homes are not eligible for approval unless the programs are available to all ~~licensed~~ 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 ~~office of the nursing home administrator examining board, 1400 East Washington Avenue, Madison, Wisconsin 53702~~ 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 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.

Note: Correspondence to the Nursing Home Administrator Examining Board should be mailed to P.O. Box 8935, Madison, Wisconsin 53708.

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

NHA 4.01 (1) (b) Satisfy the examination requirements specified in s. NHA ~~2.02 (1)~~ 2.01 (3).

SECTION 20. NHA 4.01 (1) (c) is repealed and recreated to read:

NHA 4.01 (1) (c) Submit evidence of successful completion of one year of experience in the field of institutional administration.

Note: Application forms for licensure are available on request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 21. NHA 4.01 (1) (d) and (e) are created to read:

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

(e) Provide a statement relating to any pending criminal charge or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats. 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 22. NHA 4.02 (3) is renumbered NHA 4.05.

SECTION 23. NHA 4.03 (intro.), (2) and (3) are amended to read:

NHA 4.03 (intro.) 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 license issued by the proper authorities in any other jurisdiction, which has not been revoked or suspended, upon payment of the fee ~~specified in s. 440.05 (1),~~ required under s. 440.05 (2), Stats., and submission of evidence satisfactory to the board that:

(2) The applicant has been engaged in practice as a nursing home administrator for no fewer than 2,000 hours in any ~~12-month~~ consecutive 36 month period within the 5-year period immediately preceding the date of application for licensure; and,

(3) The applicant has passed the ~~reciprocal~~ examination on Wisconsin law governing ~~licensed~~ nursing homes under s. NHA 2.01 (3) (b).

SECTION 24. NHA 4.03 (4) is created to read:

NHA 4.03 (4) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats. 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 25. NHA 4.04 is repealed and recreated to read

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.

SECTION 26. NHA 5.01 is repealed.

SECTION 27. NHA 5.02 (3) and (12) are amended to read:

NHA 5.02 (3) Practicing while ~~the ability of the nursing home administrator to competently perform duties is~~ impaired by physical, mental or emotional disorder or drug or alcohol abuse;


(12) ~~Participating in~~ Committing or aiding or abetting the commission of rebate or fee-splitting arrangements with health care ~~practitioners~~ providers;

SECTION 28. Chapter NHA 6 is repealed.

(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 7-22-97

Agency Shirley P. Keller
Chairperson
Nursing Home Administrator Examining Board 

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7/16/97



State of Wisconsin

DEPARTMENT OF REGULATION AND LICENSING

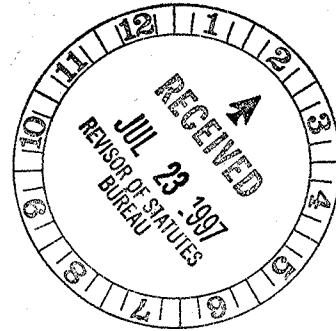
CORRESPONDENCE/MEMORANDUM

DATE: July 23, 1997

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Rules Center Coordinator
Department of Regulation and Licensing
Office of Administrative Rules

SUBJECT: Final Order Adopting Rules



NURSING HOME ADMINISTRATOR EXAMINING BOARD

Clearinghouse Rule 97-042

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the register.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.