



**TELECONFERENCE/VIRTUAL MEETING
NURSING HOME ADMINISTRATORS EXAMINING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
May 21, 2015**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

**AGENDA
9:30 A.M.**

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda**
- B) Approval of Minutes of February 5, 2015 (4-7)**
- C) Administrative Updates**
 - 1) Department and Staff Updates
 - 2) Board Member Appointment- Kate Bertram **(8-9)**
- D) Appointment of Delegated Authorities- Monitoring (10-11)**
- E) Legislative/Administrative Rule Matters**
 - 1) Update on NHA 2, 4 (CR14-078) Relating to Entrance to Exams **(12-32)**
- F) National Association of Long Term Care Administrators Board Matters**
 - 1) 2015 NAB Annual Meeting
 - 2) Informational Items
- G) Supreme Court Decision Involving NC Dentistry Board (33-34)**
- H) Items Added After Preparation of Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters
 - 6) Legislation/Administrative Rule Matters
 - 7) Liaison Report(s)
 - 8) Informational Item(s)
 - 9) Disciplinary Matters
 - 10) Presentations of Petition(s) for Summary Suspension
 - 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 12) Presentation of Proposed Decisions

- 13) Presentation of Interim Order(s)
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Order(s)
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Appearances from Requests Received or Renewed
- 22) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

I) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

J) **Case Summary**

- 1) 13 NHA 052 P.T. **(35-39)**
- 2) 14 NHA 009 S.S. **(40-43)**

K) **Administrative Warning**

- 1) 15 NHA 009 S.C.M. L. **(44-45)**

L) **Case Status Report (46)**

M) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Case Closings
- 12) Case Status Report
- 13) Petition(s) for Extension of Time
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

N) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

O) Open Session Items Noticed Above not Completed in the Initial Open Session

P) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

**NURSING HOME ADMINISTRATORS EXAMINING BOARD
TELECONFERENCE/VIRTUAL MEETING
MEETING MINUTES
February 5, 2015**

PRESENT: Kenneth Arneson, Stefanie Carton, Charles Hawkins, Lori Koeppel, Patrick Shaughnessy, Paul Peshek

EXCUSED: Timothy Conroy, Loreli Dickinson, Susan Kinast-Porter

STAFF: Tom Ryan, Executive Director; Kelly Williams and Taylor Thompson, Bureau Assistants

CALL TO ORDER

Kenneth Arneson, Chair, called the meeting to order at 9:34 AM. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Stephanie Carton moved, seconded by Patrick Shaughnessy, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Charles Hawkins moved, seconded by Lori Koeppel, to approve the minutes of November 20, 2014 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

ELECTION OF OFFICERS

BOARD CHAIR

NOMINATION: Stephanie Carton nominated Kenneth Arneson for the Office of Board Chair.

Tom Ryan called for other nominations three (3) times.

Kenneth Arneson was elected as Board Chair by unanimous consent.

VICE CHAIR

NOMINATION: Kenneth Arneson nominated Timothy Conroy for the Office of Vice Chair.

Tom Ryan called for other nominations three (3) times.

Timothy Conroy was elected as Vice Chair by unanimous consent.

SECRETARY

NOMINATION: Patrick Shaughnessy nominated Charles Hawkins for the Office of Secretary.

Tom Ryan called for other nominations three (3) times.

Charles Hawkins was elected as Secretary by unanimous consent.

2015 ELECTION RESULTS	
Board Chair	Kenneth Arneson
Vice Chair	Timothy Conroy
Secretary	Charles Hawkins

APPOINTMENT OF LIAISONS, ALTERNATES, AND DELEGATES

MOTION: Charles Hawkins moved, seconded by Stephanie Carton, to affirm the following appointments made by the Chair:

- a) **Credentialing Liaison:** **Patrick Shaughnessy;**
(**Stefanie Carton** as the Alternate)
- b) **Monitoring Liaison:** Timothy Conroy;
(**Kenneth Arneson** as the Alternate)
- c) **Education & Exams Liaison:** **Charles Hawkins;**
(**Patrick Shaughnessy** as the Alternate)
- d) **Legislative Liaison:** **Stefanie Carton;**
(**Charles Hawkins** as the Alternate)
- e) **Travel Liaison:** **Kenneth Arneson;**
(**Timothy Conroy** as the Alternate)
- f) **Professional Assistance Procedure (PAP) Liaison:** **Timothy Conroy**
(**Kenneth Arneson** as the Alternate)
- g) **Rules Liaison:** **Stefanie Carton;**
(**Charles Hawkins** as the Alternate)
- h) **Website Liaison:** **Patrick Shaughnessy;**
(**Stefanie Carton** as the Alternate)
- i) **Screening Panel** **Kenneth Arneson; Patrick Shaughnessy;**
(**Timothy Conroy** as the Alternate)

Motion carried unanimously.

DELEGATED AUTHORITY MOTIONS

MOTION: Patrick Shaughnessy moved, seconded by Lori Koepfel, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, to fill vacant appointment positions, where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

MOTION: Stephanie Carton moved, seconded by Charles Hawkins, that the Board delegates authority to the Chair, highest ranking officer, or longest serving member of the Board, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

MOTION: Charles Hawkins moved, seconded by Patrick Shaughnessy, that Board Counsel or another Department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin. Code § SPS 1.08(1). Motion carried unanimously.

MOTION: Patrick Shaughnessy moved, seconded by Lori Koepfel, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document as presented. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

PUBLIC HEARING ON CLEARINGHOUSE RULE 14-078 RELATING TO ENTRANCE TO EXAMINATIONS

The Public Hearing was held – no public in attendance.

MOTION: Patrick Shaughnessy moved, seconded by Charles Hawkins, to authorize Stephanie Carton to approve the Legislative Report and draft for Clearinghouse Rule 14-078 for submission to the Governor's Office and Legislature. Motion carried unanimously.

SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)

2015 NAB ANNUAL MEETING, JUNE 3-5, 2015, PHILADELPHIA, PA

MOTION: Lori Koepfel moved, seconded by Stephanie Carton, to designate a Board member or Department staff person to be named later, to attend the National Association of Long Term Care Administrator Boards (NAB) Annual Meeting as the board's delegate on June 3-5 in Philadelphia, PA, and to authorize travel. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Charles Hawkins moved, seconded by Patrick Shaughnessy, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Patrick Shaughnessy moved, seconded by Lori Koeppel, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:15 AM.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 4/27/15 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Nursing Home Administrators Examining Board			
4) Meeting Date: 5/21/15	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Appointment - Kate Bertram	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
Taylor Thompson		4/27/15	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

GOVERNOR'S APPOINTMENT

NAME: Ms. Kate Bertram

MAILING ADDRESS: [REDACTED]

E-MAIL ADDRESS: [REDACTED]

RESIDES IN: [REDACTED]

TELEPHONE: [REDACTED]

OCCUPATION: [REDACTED]

APPOINTED TO: Nursing Home Administrator Examining Board
Nursing Home Administrator

TERM: A term to expire July 1, 2018

SUCCEEDS: Ms. Earlene Ronk

SENATE CONFIRMATION: Required

DATE OF APPOINTMENT: April 22, 2015

DATE OF NOMINATION: April 22, 2015

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Horton Department Monitor Division of Legal Services and Compliance		2) Date When Request Submitted: January 13, 2015 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections:			
4) Meeting Date:	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Delegation to Monitoring Liaison and Department Monitor	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Delegated Authority Motion: <i>“_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i>			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  </div> <div style="text-align: center;"> January 13, 2015 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div>			
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Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. **Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.**

Monitoring Liaison currently has the authority to grant an extension up to 90 days. This change will allow the Liaison to grant payment plans and longer extensions on a case-by-case basis, which will be particularly helpful for Board/Sections that do not meet every month.

7. **Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.**

This addition was initiated and approved by the Medical Examining Board in October 2014. The Liaison may choose to defer a particular request to the full Board/Section for review if needed.

Current Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Paff Administrative Rules Coordinator		2) Date When Request Submitted: 05/06/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Nursing Home Administrator Examining Board			
4) Meeting Date: 5/6/2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Update on NHA 2, 4 (CR14-078) relating to entrance to exams	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: NHA 2, 4 was approved by the Governor on May 1, 2015 and submitted to the Legislature on May 7, 2015.			
11) Authorization			
Kathleen Paff		5/6/2015	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
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**STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
NURSING HOME ADMINISTRATOR : CR 14-078
EXAMINING BOARD :
:**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

None

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

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

These rules address changes instituted by the passage of 2013 Wisconsin Act 114. The Act requires the department and its attached boards to allow applicants for licensure to take their credentialing examination before completing any post-secondary education, program of study, or specialized courses. These proposed rules carry out the legislative intent by amending Wis. Admin. Code ss. NHA 2, and 4. These rules also address the reinstatement of a license by adding the term to Wis. Admin. Code s. NHA 4.02. The new provision sets forth what applicants should do to reinstate a suspended or revoked license with unmet disciplinary requirements.

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 February 5, 2015. No one testified at the hearing or submitted written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

1. Statutory Authority

Comment: In s. NHA 4.02 (3), the proposed rule creates a process by which a licensee whose license has been surrendered, revoked, or not renewed may apply for reinstatement of the license. The proposed rule appears to interpret s. 456.11, Stats. The agency should review the proposed rule to ensure that it is consistent with s. 456.11, Stats., and any other applicable statutes. For example, reinstatement under s. 456.11, Stats., does not apply to revocations under s. 440.12, Stats., and s. 456.11, Stats., also states that application for reinstatement may not be made in the first year after a revocation. However, s. NHA 4.02 (3) does not explicitly contain these two limitations. In addition, should s. NHA 4.02 (3) explain how the board determines whether to reinstate a license?

Response: Section NHA 4.02 (3) was amended by adding a provision regarding the reinstatement of a license until 1 year after revocation to make the section more consistent with s. 456.11, Stats.

2. Form, Style, Placement in Administrative Code

Comment g: With the creation of s. NHA 4.02 (3), the agency might consider amending the title of s. NHA 4.02 so that the title captures the content of sub. (3).

Response: Section NHA 4.02 (3) sets forth the instructions on how to the reinstate a license that has not been renewed due to unmet disciplinary conditions. This provision falls within the category of biennial renewal.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

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

This rule will not have an effect on small business and as such was not submitted to the SBRRB as part of the rule promulgation process.

STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR
EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	NURSING HOME ADMINISTRATOR
NURSING HOME ADMINISTRATOR	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 14-078)

PROPOSED ORDER

An order of the Nursing Home Administrator Examining Board to repeal NHA 2.02 (1), and (4) (Note 2), and 2.03; to renumber NHA 4.01 (1) (d); to amend NHA 2.02 (4) and (4) (Note 1), 4.01 (1) (c) (Note), and 4.02 (1) (c) and (2) (a) 4; and to create NHA 4.01 (1) (d) 1. to 3. and 4.02 (3), related to entrance to examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.071 and 456.11, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2) (a), Stats., and 2013 Wisconsin Act 114

Explanation of agency authority:

The Nursing Home Administrator Examining Board is generally empowered by ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., to promulgate rules that will provide guidance within the profession and interpret the statutes it administers. 2013 Wisconsin Act 114 provides that neither the department, nor any of its attached boards, may require applicants for licensure to complete their post-secondary education before being eligible to take their licensure exam. This legislation prompted the Nursing Home Administrator Examining Board to exercise its rule-making authority to amend pertinent sections of Wis. Admin. Code ch. NHA 1 to 5 in order to give guidance within the profession related to entrance to examinations.

Related statute or rule:

Wis. Admin. Code chs. NHA 2 and 4

Plain language analysis:

These rules address changes instituted by the passage of 2013 Wisconsin Act 114. The Act requires the department and its attached boards to allow applicants for licensure to take their credentialing examination before completing any post-secondary education, program of study, or specialized courses. These proposed rules carry out the legislative intent by amending Wis. Admin. Code ss. NHA 2, and 4. These rules also address the reinstatement of a license by adding the term to Wis. Admin. Code s. NHA 4.02. The new provision sets forth what applicants should do to reinstate a suspended or revoked license with unmet disciplinary requirements.

SECTION 1. deletes the provision requiring education as a prerequisite to sit for the examination.

SECTION 2. amends a provision by removing language referring to the administration of an examination.

SECTION 3. amends the first note under NHA 2.02 (4) by updating where applicants can receive applications.

SECTION 4. repeals the second note under NHA 2.02 (4) and the provision regarding examination requirements.

SECTION 5. amends the first note under NHA 4.01 (1) (c) by updating where applicants can receive applications and adds education as a prerequisite for licensure.

SECTION 6. creates an introductory phrase for NHA 4.01 (1) (d).

SECTION 7. creates new educational requirements for licensure.

SECTION 8. updates citations regarding fees that accompany applications.

SECTION 9. sets forth the requirements for reinstatement of a license.

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

42 USCS § 1396g sets forth the federal requirements for licensure of nursing home administrators. The statute states it is the function and duty of state agencies to, “develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator...” 42 USCS § 1396g (c) (1). This proposed rule institutes a new standard with regard to nursing home administrator examination requirements. By instituting this new standard, the Nursing Home Administrator Examining Board is in line with 42 USCS § 1396g (c) (1) which allows state agencies to regulate licensed nursing home administrators.

Comparison with rules in adjacent states:

Illinois: Nursing Home administrators are regulated by the Illinois Department of Financial and Professional Regulation via the Nursing Home Administrators Licensing and Disciplinary Act, 225 ILCS 70. Illinois requires applicants for a license as a nursing home administrator to be either a graduate of a college or university or to have completed a course of instruction regarding the operation of nursing homes that is approved by the department. 225 ILCS 70/8 (e).

Iowa: Nursing home administrators in Iowa are regulated by the Iowa Board of Nursing Home Administrators in the Bureau of Professional Licensure in the Iowa Department of Public Health. Applicants must take the approved national examination to be eligible for licensure. 645 IAC 141.2.

Michigan: Licensure as a nursing home administrator in Michigan requires either having sufficient education and training in the fields of study set forth in statute, or having experience of not less than 5 years of employment as a chief executive or administrative officer at a hospital. MCLS 333.17309 (3).

Minnesota: The Board of Examiners for Nursing Home Administrators of the Minnesota Health Licensing Board regulates nursing home administrators in Minnesota. Minnesota requires applicants for nursing home administrator licensure to obtain a bachelor's degree from an accredited postsecondary institution as well as passing the national examination for nursing home administrator and the state examination which test Minnesota laws and rules governing nursing facility operations. Minn. R. 6400.6000.

Summary of factual data and analytical methodologies:

The methodologies used in developing this proposed rule include comparing 2013 Wisconsin Act 114 to current statutes and rules regarding nursing home administrators.

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

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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are 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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Administrator Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.L Leatherwood@wisconsin.gov.

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

Comments may be submitted to Shawn Leatherwood, Administrator Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received on or before February 5, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. NHA 2.02 (1) is repealed.

SECTION 2. NHA 2.02 (4) is amended to read:

NHA 2.02 (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.~~

SECTION 3. NHA 2.02 (4) (Note 1) is amended to read:

NHA 2.02 (4) Note: ~~Application forms are available on request to the board office at~~ Applications are available from the Department of Safety and Professional Services, Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department's website at: <http://dsps.wi.gov>.

SECTION 4. NHA 2.02 (4) (Note 2) and 2.03 are repealed.

SECTION 5. NHA 4.01 (1) (c) (Note) is amended to read:

NHA 4.01 (1) (c) Note: ~~Application forms for licensure are available on request to the board office located at~~ Applications are available from the Department of Safety and Professional Services, Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department's website at: <http://dsps.wi.gov>.

SECTION 6. NHA 4.01 (1) (d) is renumbered 4.01 (1)(d) (intro.) and is amended to read:

NHA 4.01 (1) (d) (intro.) Satisfy any one of the following educational requirements specified in s. ~~NHA 2.02 (1)~~;

SECTION 7. NHA 4.01 (1) (d) 1. to 3. are created to read:

NHA 4.01 (1)(d) 1. A regular course of study.

2. A program of study.

3. Specialized courses.

SECTION 8. NHA 4.02 (1) (c) and 4.02 (2) (a) 4. are amended to read:

NHA 4.02 (1) (c) ~~A~~ The fee in the amount required under s. ~~440.08 (2) (a) 51~~, Stats s. ~~440.03 (9) (a)~~, Stats.

NHA 4.02 (2) (a) 4. The required renewal fees specified in s. 440.08 (2) (a) 51 and (3), under ss. 440.03 (9) (a), and 440.08 (3), Stats.

SECTION 9. NHA 4.02 (3) is created to read:

NHA 4.02 (3) REINSTATEMENT. (a) A licensee whose license has unmet disciplinary requirements, such as a suspension, which has not been renewed within 5 years after 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 requirements in s. NHA 4.02 (2) (b) if the licensee has not held an active Wisconsin license within the last 5 years.

2. Evidence of completion of disciplinary requirements, if applicable.

3. Evidence of rehabilitation or change in circumstances, warranting reinstatement of license.

(b) A licensee whose license has been revoked may not apply for reinstatement of the license until 1 year after revocation of the license in accordance with s. 456.11 (2), Stats.

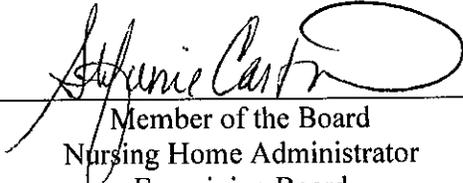
(c) A licensee may not practice as a nursing home administrator prior to being granted reinstatement of a license.

SECTION 10. 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 Nursing Home Administrator Examining Board is approved for submission to the Governor and Legislature.

Dated 2/23/15

Agency 
Member of the Board
Nursing Home Administrator
Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title and Number
NHA 2,3,4

3. Subject
Entrance to exams

4. 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	5. Chapter 20, Stats. Appropriations Affected 20.165 (1)(g)
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6. 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"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Cost

7. 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)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?
 Yes No

9. Policy Problem Addressed by the Rule
The proposed rule addresses a change in policy due to the passage of 2013 Wisconsin Act 114. The Act requires that the Department of Safety and Professional Services and its attached boards allow applicants to take their credentialing exam before completing any post-secondary education. Currently, Wis. Admin. Code s. NHA 2.02 requires completion of a regular course of study, a program of study, or specialized courses before being allowed to take the exam. This proposed rule will bring current Nursing Home Administrator regulations in line with Act 114.

10. 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 rule was posted on the Department of Safety and Professional Service's website for 14 days in order to solicit comments from businesses, associations representing businesses, local governmental units and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.
No local governmental units participated in the development of this EIA.

12. 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)
This proposed rule will have minimal or no economic or fiscal impact on specific businesses, business sectors, and public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefit of implementing the rule is creating consistency between statutes and the administrative code. There are no other viable alternatives to the proposed rule due to the change in policy being brought about by the passage of 2013 Wisconsin Act 114.

14. Long Range Implications of Implementing the Rule
The Long range implication of implementing the rule includes removing undue delays in licensure by allowing applicants to take credentialing exams as soon as they are ready to enter their chosen profession.

15. Compare With Approaches Being Used by Federal Government

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

42 USCS § 1396g sets forth the federal requirements for licensure of nursing home administrators. The statute states it is the function and duty of state agencies to, “develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator...” 42 USCS § 1396g (c) (1). This proposed rule institutes a new standard with regard to nursing home administrator examination requirements. By instituting this new standard, the Nursing Home Administrator Examining Board is in line with 42 USCS § 1396g (c) (1) which allows state agencies to regulate licensed nursing home administrators.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Nursing Home administrators are regulated by the Illinois Department of Financial and Professional Regulation via the Nursing Home Administrators Licensing and Disciplinary Act, 225 ILCS 70. Illinois requires applicants for a license as a nursing home administrator to be either a graduate of a college or university or to have completed a course of instruction regarding the operation of nursing homes that is approved by the Department. 225 ILCS 70/8 (e).

Iowa: Nursing home administrators in Iowa are regulated by the Iowa Board of Nursing Home Administrators in the Bureau of Professional Licensure in the Iowa Department of Public Health. Applicants must take the approved national examination to be eligible for licensure. 645 IAC 141.2.

Michigan: Licensure as a nursing home administrator in Michigan requires either having sufficient education and training in the fields of study set forth in statute, or having experience of not less than 5 years of employment as a chief executive or administrative officer at a hospital. MCLS 333.17309 (3).

Minnesota: The Board of Examiners for Nursing Home Administrators of the Minnesota Health Licensing Board regulates nursing home administrators in Minnesota. Minnesota requires applicants for nursing home administrator licensure to obtain a bachelor’s degree from an accredited postsecondary institution as well as passing the national examination for nursing home administrator and the state examination which test Minnesota laws and rules governing nursing facility operations. Minn. R. 6400.6000.

17. Contact Name Shawn Leatherwood	18. Contact Phone Number 608-261-4438
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This document can be made available in alternate formats to individuals with disabilities upon request.

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

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
NURSING HOME ADMINISTRATOR : CR 14-078
EXAMINING BOARD :
:**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

None

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

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

These rules address changes instituted by the passage of 2013 Wisconsin Act 114. The Act requires the department and its attached boards to allow applicants for licensure to take their credentialing examination before completing any post-secondary education, program of study, or specialized courses. These proposed rules carry out the legislative intent by amending Wis. Admin. Code ss. NHA 2, and 4. These rules also address the reinstatement of a license by adding the term to Wis. Admin. Code s. NHA 4.02. The new provision sets forth what applicants should do to reinstate a suspended or revoked license with unmet disciplinary requirements.

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 February 5, 2015. No one testified at the hearing or submitted written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

1. Statutory Authority

Comment: In s. NHA 4.02 (3), the proposed rule creates a process by which a licensee whose license has been surrendered, revoked, or not renewed may apply for reinstatement of the license. The proposed rule appears to interpret s. 456.11, Stats. The agency should review the proposed rule to ensure that it is consistent with s. 456.11, Stats., and any other applicable statutes. For example, reinstatement under s. 456.11, Stats., does not apply to revocations under s. 440.12, Stats., and s. 456.11, Stats., also states that application for reinstatement may not be made in the first year after a revocation. However, s. NHA 4.02 (3) does not explicitly contain these two limitations. In addition, should s. NHA 4.02 (3) explain how the board determines whether to reinstate a license?

Response: Section NHA 4.02 (3) was amended by adding a provision regarding the reinstatement of a license until 1 year after revocation to make the section more consistent with s. 456.11, Stats.

2. Form, Style, Placement in Administrative Code

Comment g: With the creation of s. NHA 4.02 (3), the agency might consider amending the title of s. NHA 4.02 so that the title captures the content of sub. (3).

Response: Section NHA 4.02 (3) sets forth the instructions on how to reinstate a license that has not been renewed due to unmet disciplinary conditions. This provision falls within the category of biennial renewal.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

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

This rule will not have an effect on small business and as such was not submitted to the SBRRB as part of the rule promulgation process.

STATE OF WISCONSIN
NURSING HOME ADMINISTRATOR
EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	NURSING HOME ADMINISTRATOR
NURSING HOME ADMINISTRATOR	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 14-078)

PROPOSED ORDER

An order of the Nursing Home Administrator Examining Board to repeal NHA 2.02 (1), and (4) (Note 2), and 2.03; to renumber NHA 4.01 (1) (d); to amend NHA 2.02 (4) and (4) (Note 1), 4.01 (1) (c) (Note), and 4.02 (1) (c) and (2) (a) 4; and to create NHA 4.01 (1) (d) 1. to 3. and 4.02 (3), related to entrance to examinations.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Sections 440.071 and 456.11, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 227.11 (2) (a), Stats., and 2013 Wisconsin Act 114

Explanation of agency authority:

The Nursing Home Administrator Examining Board is generally empowered by ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., to promulgate rules that will provide guidance within the profession and interpret the statutes it administers. 2013 Wisconsin Act 114 provides that neither the department, nor any of its attached boards, may require applicants for licensure to complete their post-secondary education before being eligible to take their licensure exam. This legislation prompted the Nursing Home Administrator Examining Board to exercise its rule-making authority to amend pertinent sections of Wis. Admin. Code ch. NHA 1 to 5 in order to give guidance within the profession related to entrance to examinations.

Related statute or rule:

Wis. Admin. Code chs. NHA 2 and 4

Plain language analysis:

These rules address changes instituted by the passage of 2013 Wisconsin Act 114. The Act requires the department and its attached boards to allow applicants for licensure to take their credentialing examination before completing any post-secondary education, program of study, or specialized courses. These proposed rules carry out the legislative intent by amending Wis. Admin. Code ss. NHA 2, and 4. These rules also address the reinstatement of a license by adding the term to Wis. Admin. Code s. NHA 4.02. The new provision sets forth what applicants should do to reinstate a suspended or revoked license with unmet disciplinary requirements.

SECTION 1. deletes the provision requiring education as a prerequisite to sit for the examination.

SECTION 2. amends a provision by removing language referring to the administration of an examination.

SECTION 3. amends the first note under NHA 2.02 (4) by updating where applicants can receive applications.

SECTION 4. repeals the second note under NHA 2.02 (4) and the provision regarding examination requirements.

SECTION 5. amends the first note under NHA 4.01 (1) (c) by updating where applicants can receive applications and adds education as a prerequisite for licensure.

SECTION 6. creates an introductory phrase for NHA 4.01 (1) (d).

SECTION 7. creates new educational requirements for licensure.

SECTION 8. updates citations regarding fees that accompany applications.

SECTION 9. sets forth the requirements for reinstatement of a license.

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

42 USCS § 1396g sets forth the federal requirements for licensure of nursing home administrators. The statute states it is the function and duty of state agencies to, “develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator...” 42 USCS § 1396g (c) (1). This proposed rule institutes a new standard with regard to nursing home administrator examination requirements. By instituting this new standard, the Nursing Home Administrator Examining Board is in line with 42 USCS § 1396g (c) (1) which allows state agencies to regulate licensed nursing home administrators.

Comparison with rules in adjacent states:

Illinois: Nursing Home administrators are regulated by the Illinois Department of Financial and Professional Regulation via the Nursing Home Administrators Licensing and Disciplinary Act, 225 ILCS 70. Illinois requires applicants for a license as a nursing home administrator to be either a graduate of a college or university or to have completed a course of instruction regarding the operation of nursing homes that is approved by the department. 225 ILCS 70/8 (e).

Iowa: Nursing home administrators in Iowa are regulated by the Iowa Board of Nursing Home Administrators in the Bureau of Professional Licensure in the Iowa Department of Public Health. Applicants must take the approved national examination to be eligible for licensure. 645 IAC 141.2.

Michigan: Licensure as a nursing home administrator in Michigan requires either having sufficient education and training in the fields of study set forth in statute, or having experience of not less than 5 years of employment as a chief executive or administrative officer at a hospital. MCLS 333.17309 (3).

Minnesota: The Board of Examiners for Nursing Home Administrators of the Minnesota Health Licensing Board regulates nursing home administrators in Minnesota. Minnesota requires applicants for nursing home administrator licensure to obtain a bachelor's degree from an accredited postsecondary institution as well as passing the national examination for nursing home administrator and the state examination which test Minnesota laws and rules governing nursing facility operations. Minn. R. 6400.6000.

Summary of factual data and analytical methodologies:

The methodologies used in developing this proposed rule include comparing 2013 Wisconsin Act 114 to current statutes and rules regarding nursing home administrators.

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

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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are 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 Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Administrator Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.L Leatherwood@wisconsin.gov.

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

Comments may be submitted to Shawn Leatherwood, Administrator Rule Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Shancethea.L Leatherwood@wisconsin.gov. Comments must be received on or before February 5, 2015 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. NHA 2.02 (1) is repealed.

SECTION 2. NHA 2.02 (4) is amended to read:

NHA 2.02 (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.~~

SECTION 3. NHA 2.02 (4) (Note 1) is amended to read:

NHA 2.02 (4) Note: ~~Application forms are available on request to the board office at~~ Applications are available from the Department of Safety and Professional Services, Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department's website at: <http://dsps.wi.gov>.

SECTION 4. NHA 2.02 (4) (Note 2) and 2.03 are repealed.

SECTION 5. NHA 4.01 (1) (c) (Note) is amended to read:

NHA 4.01 (1) (c) Note: ~~Application forms for licensure are available on request to the board office located at~~ Applications are available from the Department of Safety and Professional Services, Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department's website at: <http://dsps.wi.gov>.

SECTION 6. NHA 4.01 (1) (d) is renumbered 4.01 (1)(d) (intro.) and is amended to read:

NHA 4.01 (1) (d) (intro.) Satisfy any one of the following educational requirements ~~specified in s. NHA 2.02 (1);~~

SECTION 7. NHA 4.01 (1) (d) 1. to 3. are created to read:

NHA 4.01 (1)(d) 1. A regular course of study.

2. A program of study.

3. Specialized courses.

SECTION 8. NHA 4.02 (1) (c) and 4.02 (2) (a) 4. are amended to read:

NHA 4.02 (1) (c) ~~A~~ The fee in the amount required under ~~s. 440.08 (2) (a) 51., Stats~~
s.440.03 (9) (a), Stats.

NHA 4.02 (2) (a) 4. The required renewal fees ~~specified in s. 440.08 (2) (a) 51. and (3),~~
under ss. 440.03 (9) (a), and 440.08 (3), Stats.

SECTION 9. NHA 4.02 (3) is created to read:

NHA 4.02 (3) REINSTATEMENT. (a) A licensee whose license has unmet disciplinary requirements, such as a suspension, which has not been renewed within 5 years after 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 requirements in s. NHA 4.02 (2) (b) if the licensee has not held an active Wisconsin license within the last 5 years.

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(b) A licensee whose license has been revoked may not apply for reinstatement of the license until 1 year after revocation of the license in accordance with s. 456.11 (2), Stats.

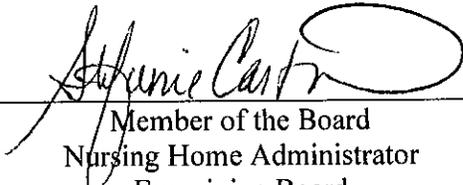
(c) A licensee may not practice as a nursing home administrator prior to being granted reinstatement of a license.

SECTION 10. 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 Nursing Home Administrator Examining Board is approved for submission to the Governor and Legislature.

Dated 2/23/15

Agency 
Member of the Board
Nursing Home Administrator
Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title and Number
NHA 2,3,4

3. Subject
Entrance to exams

4. 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	5. Chapter 20, Stats. Appropriations Affected 20.165 (1)(g)
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6. 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"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Could Absorb Within Agency's Budget
		<input type="checkbox"/> Decrease Cost

7. 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)	

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?
 Yes No

9. Policy Problem Addressed by the Rule
The proposed rule addresses a change in policy due to the passage of 2013 Wisconsin Act 114. The Act requires that the Department of Safety and Professional Services and its attached boards allow applicants to take their credentialing exam before completing any post-secondary education. Currently, Wis. Admin. Code s. NHA 2.02 requires completion of a regular course of study, a program of study, or specialized courses before being allowed to take the exam. This proposed rule will bring current Nursing Home Administrator regulations in line with Act 114.

10. 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 rule was posted on the Department of Safety and Professional Service's website for 14 days in order to solicit comments from businesses, associations representing businesses, local governmental units and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.
No local governmental units participated in the development of this EIA.

12. 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)
This proposed rule will have minimal or no economic or fiscal impact on specific businesses, business sectors, and public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefit of implementing the rule is creating consistency between statutes and the administrative code. There are no other viable alternatives to the proposed rule due to the change in policy being brought about by the passage of 2013 Wisconsin Act 114.

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The Long range implication of implementing the rule includes removing undue delays in licensure by allowing applicants to take credentialing exams as soon as they are ready to enter their chosen profession.

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ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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17. Contact Name Shawn Leatherwood	18. Contact Phone Number 608-261-4438
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This document can be made available in alternate formats to individuals with disabilities upon request.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 3/30/15 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Nursing Home Administrators Examining Board			
4) Meeting Date: 5/21/15	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Supreme Court Decision Involving NC Dentistry Board	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
Taylor Thompson		3/30/15	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

1. The Department is aware that on February 25, 2015, the U.S. Supreme Court issued a decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission.
2. The Department, while continuing to analyze this decision, has developed preliminary opinions and guidance to regulatory boards.
 - a. This decision should not affect regulatory boards who are acting within their regulatory authority. For example, when a regulatory board disciplines a credential holder for unprofessional conduct, such board action is within the acceptable parameters of the board's authority and should not trigger anti-trust issues.
 - b. The investigation and discipline of unlicensed practice should be left to the Department. This has been the Department's long-standing position and should not trigger anti-trust issues.
 - c. The Department is, and has been, aware of potential anti-trust issues concerning regulatory boards. As such, this decision is not a surprise.
 - d. The Department has consistently advised regulatory boards to act within their powers set out in the statutes. This advice remains the same following this decision.
 - e. The Department will continue to analyze the decision and to monitor discussions about the decision especially in areas with potential anti-trust implications such as unlicensed practice, scope of practice and advertising. The Department will update the boards on any important developments.