



2023 SENATE BILL 671

November 9, 2023 - Introduced by Senators CABRAL-GUEVARA, BALLWEG, FELZKOWSKI and NASS, cosponsored by Representatives SUMMERFIELD, ARMSTRONG, BEHNKE, BODDEN, BRANDTJEN, CONLEY, EDMING, GUNDRUM, MAXEY, MURPHY, PETRYK and WICHGERS. Referred to Committee on Health.

- 1 **AN ACT** *to amend* 257.01 (7) (a) and (b); and *to create* 146.40 (2d) of the statutes;
2 **relating to:** student qualification for employment as a nurse aide.

Analysis by the Legislative Reference Bureau

Under current administrative rules promulgated by the Department of Health Services with respect to employment of nurse aides, a student enrolled in an approved nurse aide training program who has completed 16 hours of classroom training in certain required topics may be employed by a health care provider as a nurse aide if the student is a full-time permanent employee. This bill requires that, subject to any necessary federal approval, DHS allow a hospital, nursing home, intermediate care facility for persons with an intellectual disability, home health agency, or hospice to employ or contract for the services of students enrolled in an approved nurse aide program as a nurse aide, if the individual is employed part-time as a nurse's assistant, home health aide, or hospice aide fewer than 120 days, and has a preceptor. As for students under current law, a student allowed to be employed or contracted as a nurse aide under the bill may perform only services for which he or she has received training and has been found proficient by an instructor under the instructional program. In addition, as under current law, a hospital, nursing home, home health agency, hospice, or intermediate care facility for persons with an intellectual disability employing or contracting a student under the provisions of the bill may not include that individual in meeting or complying with a requirement for nursing care staff and functions, including a minimum nursing staff requirement. The bill requires that an individual employed or contracted as a nurse aide must pass a Wisconsin-approved nurse aide competency evaluation examination within 120

SENATE BILL 671

calendar days of the start of the individual's part-time employment as a nurse aide or may not continue to be employed or contracted as a nurse aide.

The bill requires DHS to request, as soon as possible after the effective date of the bill, any necessary federal approval required to implement the provisions of the bill. If approval is granted or if no federal approval is required, DHS must implement the provisions of the bill. If federal approval is necessary but not granted, DHS may not implement the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 146.40 (2d) of the statutes is created to read:

2 146.40 **(2d)** (a) Notwithstanding sub. (2), subject to par. (b), a hospital, nursing
3 home, intermediate care facility for persons with an intellectual disability, home
4 health agency, or hospice may employ or contract for the services of an individual as
5 a nurse aide, if the individual is enrolled in an instructional program for nurse aides
6 that is approved under sub. (3) or (3g), is employed part-time as a nurse's assistant,
7 home health aide, or hospice aide fewer than 120 days, and has a preceptor. The
8 requirements of sub. (2) (c) 1. and 2. apply to individuals under this subsection. An
9 individual employed or contracted as a nurse aide under this subsection shall pass
10 a Wisconsin-approved nurse aide competency evaluation examination within 120
11 calendar days of the start of the individual's part-time employment as a nurse aide
12 or may not continue to be employed or contracted as a nurse aide under this
13 subsection.

14 (b) The department shall, as soon as possible after the effective date of this
15 paragraph [LRB inserts date], request any necessary federal approval required
16 to implement this subsection and, if approval is granted or if no federal approval is

SENATE BILL 671

1 required, the department shall implement this subsection. If federal approval is
2 necessary but not granted, the department may not implement this subsection.

3 **SECTION 2.** 257.01 (7) (a) and (b) of the statutes are amended to read:

4 257.01 (7) (a) An individual who satisfies the requirements for a nurse aide
5 under s. 146.40 (2) (a), (ac), (c), (e), (em), or (g) or (2d).

6 (b) An individual who did at any time within the previous 10 years, but does
7 not currently, satisfy the requirements for a nurse aide under s. 146.40 (2) (a), (ac),
8 (c), (e), (em), or (g) or (2d), if the individual's name has never been listed under s.
9 146.40 (4g) (a) 2., 2005 stats., or s. 146.40 (4g) (a) 2.

10

(END)