

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

AUG 31 1999

RULES CLEARINGHOUSE

AUG 31 REC'D

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-114

AN ORDER to renumber NHA 1.02 (1); to amend NHA 4.01 (1) (c) and 4.03 (intro.), (2), (3) and (4); to repeal and recreate NHA 4.03 (1); and to create NHA 1.02 (1), relating to experience and reciprocity.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

07-15-99 RECEIVED BY LEGISLATIVE COUNCIL.
08-09-99 REPORT SENT TO AGENCY.

RNS:MM:rv;jal

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 99-114

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

In s. NHA 4.01 (1) (c), the newly created language should be rewritten as follows: "If the applicant has not completed a regular course of study, submit".

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 99-)

PROPOSED ORDER

An order of the Nursing Home Administrator Examining Board to *renumber* NHA 1.02 (1); to *amend* NHA 4.01 (1) (c), 4.03 (intro.), (2), (3) and (4); to *repeal and recreate* NHA 4.03 (1); and to *create* NHA 1.02 (1), relating to experience and reciprocity.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 456.02, 456.04 and 456.08, Stats.

Statutes interpreted: ss. 456.04 and 456.08, Stats.

In this proposed rule-making order the Nursing Home Administrator Examining Board amends s. NHA 4.01 (1) (c), to clarify that an individual who has completed a "program of study" or "specialized courses", as defined in s. NHA 1.02, is required to submit evidence of successful completion of one year of experience in the field of institutional administration; however, an individual who has completed a "regular course of study" is not required to submit evidence of successful completion of one year of experience in the field of institutional administration, because a regular course of study includes a supervised clinical practicum.

Section NHA 4.03 (1) is being repealed and recreated and s. NHA 4.03 (2), (3) and (4) are amended to state that individuals applying for reciprocity must have a bachelor's degree in any field or hold a current certification as a nursing home administrator granted by the American College of Health Care Administrators in order to qualify for a license.

TEXT OF RULE

SECTION 1. NHA 1.02 (1) is renumbered NHA 1.02 (2).

SECTION 2. NHA 1.02 (1) is created to read:

NHA 1.02 (1) "Accredited college or university" means an educational institution that is accredited by a regional or national accrediting agency recognized by the U.S. department of education.

An applicant who has not completed
rather than a ~~current~~ regular) study
course of

SECTION 3. NHA 4.01 (1) (c) is amended to read:

NHA 4.01 (1) (c) ~~Submit~~ If the applicant has completed a program of study or specialized courses, submit evidence of successful completion of one year of experience in the field of institutional administration.

SECTION 4. NHA 4.03 (intro.) is amended to read:

NHA 4.03 **Reciprocity.** (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 required under s. 440.05 (2), Stats., and submission of evidence satisfactory to the board that the applicant has satisfied all of the following:

SECTION 5. NHA 4.03 (1) is repealed and recreated to read:

NHA 4.03 (1) Has a bachelor's degree in any field that was obtained from an accredited college or university or holds a current certification as a nursing home administrator granted by the American college of health care administrators.

Note: The American College of Health Care Administrators may be contacted at 325 South Patrick Street. Alexandria, VA 22314.

SECTION 6. NHA 4.03 (2), (3) and (4) are amended to read:

NHA 4.03 (2) ~~The applicant has been engaged in practice~~ Has practiced as a nursing home administrator for ~~fewer than~~ at least 2,000 hours in any consecutive ~~36 month~~ 3-year period within the 5-year period immediately preceding the date of application for licensure; ~~and,~~

(3) ~~The applicant has~~ Has passed the state law examination ~~on Wisconsin law governing nursing homes~~ required for licensure under s. NHA 2.01 (3) (b).

(4) ~~The applicant does~~ 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.

(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

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

The proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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7/14/99

SEP 28 1999

**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 99-114)**

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the NURSING HOME ADMINISTRATOR EXAMINING BOARD is submitting in final draft form rules relating to experience and reciprocity.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

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Governor

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Secretary

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Administrative Rules in Final Draft Form

Nursing Home Administrator Examining Board

**Relating to:
Reciprocity & Experience**

**Rule:
Chapters NHA 1 & 4**

**Clearinghouse Rule:
No. 99-114**

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

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
NURSING HOME ADMINISTRATOR : **ON CLEARINGHOUSE RULE 99-114**
EXAMINING BOARD : **(s. 227.19 (3), Stats.)**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

In this rule-making order the Nursing Home Administrator Examining Board amends s. NHA 4.01 (1) (c), to clarify that an individual who has completed a "program of study" or "specialized courses", as defined in s. NHA 1.02, is required to submit evidence of successful completion of one year of experience in the field of institutional administration; however, an individual who has completed a "regular course of study" is not required to submit evidence of successful completion of one year of experience in the field of institutional administration, because a regular course of study includes a supervised clinical practicum.

Section NHA 4.03 (1) is being repealed and recreated and s. NHA 4.03 (2), (3) and (4) are amended to state that individuals applying for reciprocity must have a bachelor's degree in any field or hold a current certification as a nursing home administrator granted by the American College of Health Care Administrators in order to qualify for a license.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on August 19, 1999. There were no appearances at the public hearing, nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The recommendation suggested in the Clearinghouse Report was accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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: (CLEARINGHOUSE RULE 99-114)

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(END OF TEXT OF RULE)

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Chairperson
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2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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9/28/99