

2007 DRAFTING REQUEST

Bill

Received: **12/13/2006**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to: **robin.ryan@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Nurse Aide Training

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan 05/31/2007 dkennedy 12/09/2007	jdyer 12/10/2007		_____			
/P1			rschluet 12/11/2007	_____	sbasford 12/11/2007		
/P2	dkennedy 02/13/2008	jdyer 02/13/2008	pgreensl 02/13/2008	_____	lparisi 02/13/2008		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dkennedy 02/26/2008	jdyer 02/27/2008	nmatzke 02/27/2008	_____	sbasford 02/27/2008	sbasford 02/27/2008	

FE Sent For: "/1" @ intro. 2-29-08 <END>

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/P1			rschluet 12/11/2007		sbasford 12/11/2007		
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Please Jacket
DAK 2/26/08

Senate

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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Requester's email: ^{laura.rose} ~~don.dyke~~@legis.wisconsin.gov

Carbon copy (CC:) to: robin.ryan@legis.wisconsin.gov

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/?	rryan 05/31/2007 dkennedy 12/09/2007	jdyer 12/10/2007	2/13 P8	2/13			
/P1			rschlue 12/11/2007		sbasford 12/11/2007		

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/?	rryan 05/31/2007 dkennedy 12/09/2007	jdyer 1/12/07					

(Handwritten signatures and initials are present over the table, including a large signature over the 'Typed' and 'Proofed' columns, and initials 'jld' and 'NN' over the 'Reviewed' and 'Proofed' columns respectively.)

FE Sent For:

<END>

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/?	rryan 05/31/2007 dkennedy	1 2 26 jld		_____			

FE Sent For:

<END>

Nurse Aide Training Technical Changes

Specific Statutory Change Requested

Multiple changes to s. 146.40 as follows:

s. 146.40(1) - Approved nurse aide training programs are required to train individuals to work in all health care settings; therefore, the terms home health aide and hospice aide are obsolete. Delete these definitions. Federal regulations now allow feeding assistants in nursing homes. Add definition for feeding assistant:

"Feeding assistant" means a person at least 16 years old who has completed a State-approved feeding assistant training program and who is paid by a long term care facility, or a person who is used under an arrangement with another agency or organization to assist clients who have no feeding complications with the activities of eating and drinking.

"Feeding assistant" does not mean an individual who is a licensed health professional or registered dietician; volunteers without money compensation; or a nurse aide.

s. 146.40(2) - States were allowed to waive the training and testing requirement for a person who completed a nurse aide training and testing program prior to July 1, 1989, under the process known as "deeming." Federal regulations also allowed states to waive the training and testing requirement for a person who worked as a nurse aide at one or more facilities of the same employer for at least 24 consecutive months before December 19, 1989 under the process known as "grandparenting." Delete the outdated deeming and grandparenting language. Clarify that an individual enrolled in a nurse aide instructional program and employed or under contract as a nurse aide fewer than 120 calendar ^{days} shall not be counted toward meeting or complying with any requirements for nursing care staff and functions of a facility, including minimum nursing staffing requirements, until satisfactory completion of a competency evaluation.

s. 146.40 (2m) - Federal regulations allow the use of feeding assistants in nursing homes. Add statutory language to allow the use of feeding assistants.

s. 146.40(4r) - Delete the provision that substantiation notices be sent via certified mail. Make changes to synchronize how the appeal period is calculated in both chapter 146 and HFS 13.

Update all references to "nurse's assistant" to "nurse aide," "Intermediate care facility for the mentally retarded" to "Intermediate care facility for persons with mental retardation," and some other minor technical fixes: changing references to hh aide or hospice aide to nurse aide and changing "certification" to "approval" in 146.40(4m) & 146.40(5)(a).

Office of Quality Assurance
Remedial Legislation for 2007-08 Legislative Session

Update all references to "aides" in the complaint filing, investigation, decision-making, and hearing process language in s. 146.40 to "caregivers".

Administrative or Substantive Problem with the Current Statutes

The current language in s. 146.40 is outdated and no longer needed, does not recognize feeding assistants, and uses anachronistic terminology.

Office of Quality Assurance
Remedial Legislation for 2007-08 Legislative Session

Need for the Change

Changes are needed to modernize the statute to reflect current terminology and other technical changes that have occurred since it was enacted.

Estimate of Fiscal Effect

The costs to be incurred will be limited to staff time required to draft the language changes and communicate the enacted changes.

Kennedy, Debora

From: Busse, Shari E - DHFS
Sent: Monday, June 25, 2007 3:01 PM
To: Kennedy, Debora
Cc: Bartelt, Richard G - DHFS
Subject: Re: Questions on attached proposal

Hi Debora -

I am in and out of meetings all week so if possible, it would be best if you could email your questions about 146.40 to me. Please cc Dick Bartelt and we will get back to you as soon as possible.

thank you ~
Shari

Shari Busse, Director
Office of Caregiver Quality
Division of Quality Assurance
Department of Health and Family Services
608-243-2084
608-243-2020 fax
bussese@dhfs.state.wi.us

Plan to attend DQA's 7th Annual Conference for Health Care Providers and DQA Staff August 7, 2007 ~ FOCUS 2007 Special Session: Zeroing In on Abuse Prevention August 8, 2007 ~ FOCUS 2007 Conference: Coming Together: Mapping The Journey To Excellence
Location: Stevens Point Holiday Inn & Convention Center
http://dhfs.wisconsin.gov/rl_dsl/Training/focus07.htm

* * * * *

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>>> "Rose, Laura" <Laura.Rose@legis.wisconsin.gov> 6/22/07 11:53 AM
>>>

Hi Shari,

Katie Plona gave me your name as the appropriate contact person on this remedial legislation proposal described in the attachment. The drafter at the LRB, Debora Kennedy, has some questions on this. I wanted to let you know that she will be calling you.

Thanks,

Laura Rose
Staff to Law Revision Committee

Laura D. Rose
Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
P. O. Box 2536
Madison, WI 53701-2536
laura.rose@legis.wisconsin.gov
tel: 608.266.9791
fax: 608.266.3830

Kennedy, Debora

To: Busse, Shari E - DHFS
Subject: RE: Questions on attached proposal

6/25/07

Shari, the following are my questions:

1. The instructions say, in part, "Delete the outdated deeming and grandparenting language." Are you certain that these statutes no longer apply to any person?
2. The instructions say "s. 146.40 (2m)--Federal regulations allow the use of feeding assistants in nursing homes. Add statutory language to allow the use of feeding assistants."

What do you mean by this? Do you intend that I create s. 146.40 (2m)? If so, do you want it to echo parts of s. 146.40 (2)? If so, which part(s)? Do you want me to create a state-approved feeding assistant training program? Do you want s. 146.40 (3), (3m), and (4) to be amended to include nursing assistants? What about s. 146.40 (4r)? Any other provisions?

3. The instructions say, with respect to s. 146.40 (4r): "Make changes to synchronize how the appeal period is calculated in both chapter 146 and HFS 13."

This instruction is imprecise; how do you intend that I "synchronize" the appeal period? Do you want me to use certain language in HFS 13 to amend s. 146.40 (4r)? If, so, what? Please be more explicit.

4. The instructions say, "[c]hang[ing] "certification" to "approval" in s. 146.40 (4m) and (5) (a)."

Do you intend that these words be changed only in the provisions specified? If so, the changes would then be inconsistent with the rest of the statutes. I assume that these changes should be made throughout, correct?

5. The instructions say, "Update all references to "aides" in the complaint filing, investigation, decision-making, and hearing process language in s. 146.40 to "caregivers"."

Why? What is the term "caregiver" (for which no definition is given) supposed to mean?

6. The instructions generally are changing terminology, deleting some categories of persons who would be eligible to be employed as aides by certain facilities, and making other changes. Because these changes will apply to persons who are now termed hospice aides, home health aides, etc., it will be necessary to draft certain transitional provisions that will refer to current (2005) law to allow now-certified people to be considered "approved" under the new terminology. I recommend that, in addition, the draft have a delayed effective date of a few months after passage for facilities and people involved to understand and implement these changes.

Debora Kennedy

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From: Busse, Shari E - DHFS
Sent: Monday, June 25, 2007 3:01 PM
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thank you ~

Shari

Shari Busse, Director
Office of Caregiver Quality
Division of Quality Assurance
Department of Health and Family Services
608-243-2084 → 264-9876
608-243-2020 fax
bussese@dhfs.state.wi.us

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Thanks,

Laura Rose
Staff to Law Revision Committee

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P. O. Box 2536
Madison, WI 53701-2536
laura.rose@legis.wisconsin.gov
tel: 608.266.9791
fax: 608.266.3830

Transmission Report

Date/Time
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08-28-2007
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STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

1 EAST MAIN, SUITE 200
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948
REFERENCE SECTION: (608) 266-0341
REFERENCE FAX: (608) 266-6948

FAX TRANSMITTAL COVER SHEET

(From: LRB-Legal Section-Front Office ... Fax: 608-264-6948)

Date: August 28, 2007 Time: 4:00

Total pages transmitted, including this page: 4

Please Deliver This FAX To: Shari Basse

Telephone Number: _____

FAX Number: 264-6340

MESSAGE: This is the material I was given by Laura Rose as the basis for the law revision request. It is also the document on which I based my questions to you of June 29, 2007. I would appreciate your sharing it with Richard Bartlett.

Senders Name: Debra Kennedy

This facsimile is intended only for the use of the addressee named herein and may contain legally privileged and confidential information. If you are not the intended recipient of this facsimile, you are hereby notified that any dissemination, distribution or copying of this facsimile is strictly prohibited. If you received this facsimile in error, or if you encounter any problems with transmission, please telephone us at (608) 266-3561.

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001	880	6082646340	04:16:35 p.m. 08-28-2007	00:00:37	4/4	1	EC	HS	CP26400

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
CP: Completed
FA: Fail

TU: Terminated by user
TS: Terminated by system
RP: Report

G3: Group 3
EC: Error Correct

Kennedy, Debora

To: Bartelt, Richard G - DHFS
Subject: FAX material

I sent the material I discussed with you by FAX about 4:00 p.m., to Shari Busse. Please let me know if it did not arrive.

I will be out of the office September 1-16, if we do not communicate before then.

Thank you.

Debora A. Kennedy

Managing Attorney

Legislative Reference Bureau

(608) 266-0137

debora.kennedy@legis.state.wi.us

8/31/07

Kennedy, Debora

To: Busse, Shari E - DHFS; Bartelt, Richard G - DHFS
Subject: Nurse aide training request

I sent to you on August 28 a FAX of the material I was given by Laura Rose of the Legislative Council as the basis for the law revision request concerning nurse aides. It has conflicts with the proposed draft changes you have provided me with. I have not heard from you concerning this FAX; I assume you received it. I will be out of the office this afternoon and Sept. 3 to 14. If I have not heard from you via e-mail during that time, I will contact you the week of September 17 when, it is to be hoped, we can resolve these conflicts and I can proceed with this draft.

Debora A. Kennedy
Managing Attorney
Legislative Reference Bureau
(608) 266-0137
debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Busse, Shari E - DHFS
Sent: Tuesday, August 28, 2007 2:26 PM
To: Kennedy, Debora
Cc: Bartelt, Richard G - DHFS
Subject: RE: RE: Questions on attached proposal

264-6340 Shari Busse

261-8334

Please contact me or Dick Bartelt if you have any questions regarding the responses.
Shari

>>> "Kennedy, Debora" <Debora.Kennedy@legis.wisconsin.gov> 8/28/07
>>> 2:23:22 PM >>>
I just received this. Thank you very much.

-----Original Message-----

From: Busse, Shari E - DHFS
Sent: Tuesday, August 28, 2007 2:20 PM
To: Kennedy, Debora
Cc: Walters, Jane A - DHFS; Bartelt, Richard G - DHFS
Subject: Fwd: RE: Questions on attached proposal

Hi Debora -
Please let me know if you receive this email. The attached email was sent on
6-29-07 in response to your questions of 6-25-07.
thank you ~
Shari

Shari Busse, Director
Office of Caregiver Quality
Division of Quality Assurance
Department of Health and Family Services
608-264-9876
608-261-8319 OCQ Main line
608-264-6340 OCQ Fax
bussese@dhfs.state.wi.us

* * * * *

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contains.

-----Original Message-----

Date: 06/29/2007 08:58 am -0500 (Friday)
From: Richard Bartelt
To: Debora Kennedy; Shari Busse
CC: Cremear Mims; Cynthia Hintze; Jane Walters; Laura Rose;
Richard Bartelt
Subject: RE: Questions on attached proposal

Answers are bolded

* * * * *

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sender; delete the E-mail; and do not use, disclose or store the information it contains.

Richard Bartelt, Caregiver Regulation Lead DHFS/OQA/OCQ 608-243-2030

608-243-2026 fax
barterg@dhfs.state.wi.us

>>> Shari Busse 06/26/2007 4:05 PM >>>

Thank you, Debora. We will have a response to your questions by the end of the week.
Shari

>>> "Kennedy, Debora" <Debora.Kennedy@legis.wisconsin.gov> 6/25/07

>>> 8:49:25

PM >>>

Shari, the following are my questions:

1. The instructions say, in part, "Delete the outdated deeming and grandparenting language." Are you certain that these statutes no longer apply to any person? Yes.
2. The instructions say "s. 146.40 (2m)--Federal regulations allow the use of feeding assistants in nursing homes. Add statutory language to allow the use of feeding assistants."

What do you mean by this? Do you intend that I create s. 146.40 (2m)?

Yes.
If so, do you want it to echo parts of s. 146.40 (2)? If so, which part(s)? No, we want language in the statute that gives the Department authority to create it by rule. See attached Chapter 146 revised document.

Do you want me to create a state-approved feeding assistant training program? No, we want language in the statute that gives the Department authority to create it by rule. See attached Chapter 146 revised document.

Do you want s. 146.40 (3), (3m), and (4) to be amended to include nursing assistants? Did you mean feeding assistants? If you meant feeding assistants, no.

What about s. 146.40 (4r)? Any other provisions? Delete the words "nurse assistant" and "home health aide". Replace with person. See attached Chapter 146 revised document.

3. The instructions say, with respect to s. 146.40 (4r): "Make changes to synchronize how the appeal period is calculated in both chapter 146 and HFS 13."

This instruction is imprecise; how do you intend that I "synchronize" the appeal period? Do you want me to use certain language in HFS 13 to amend s. 146.40 (4r)? If, so, what? Please be more explicit. Yes, use language in HFS13.05(7)(b). See attached Chapter 146 revised document.

4. The instructions say, "[c]hang[ing] "certification" to "approval" in s. 146.40 (4m) and (5) (a)."

Do you intend that these words be changed only in the provisions specified? If so, the changes would then be inconsistent with the rest of the statutes. I assume that these changes should be made throughout, correct? The words "certification" or "certified" would have to be changed to "approval" or "approved" in more than the two paragraphs stated above. See attached Chapter 146 revised document, paragraphs (3), (4) and (5) and their respective subparagraphs.

5. The instructions say, "Update all references to "aides" in the complaint filing, investigation, decision-making, and hearing process language in s. 146.40 to "caregivers"."

Why? What is the term "caregiver" (for which no definition is given) supposed to mean? Use language in Chapter 50.065(1)(ag)1. See attached Chapter 146 revised document 146.40 (i).

6. The instructions generally are changing terminology, deleting some categories of persons who would be eligible to be employed as aides by certain facilities, and making other changes. Because these changes will apply to persons who are now termed hospice aides, home health aides, etc., it will be necessary to draft certain transitional provisions that will refer to current (2005) law to allow now-certified people to be considered "approved" under the new terminology. I recommend that, in addition, the draft have a delayed effective date of a few months after passage for facilities and people involved to understand and implement these changes.

The term "nurse aide" has been used for quite some time among healthcare providers to refer to all individuals who have completed a state approved training and competency evaluation program regardless of what type healthcare setting they work in. All Wisconsin approved nurse aide training and testing programs meet OBRA 87 requirements for individuals who will be working in a long term, home health or hospice healthcare provider setting.

Debora Kennedy

-----Original Message-----

From: Busse, Shari E - DHFS
Sent: Monday, June 25, 2007 3:01 PM
To: Kennedy, Debora
Cc: Bartelt, Richard G - DHFS
Subject: Re: Questions on attached proposal

Hi Debora -

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thank you ~

Shari

Shari Busse, Director
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Thanks,

Laura Rose
Staff to Law Revision Committee

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P. O. Box 2536
Madison, WI 53701-2536
laura.rose@legis.wisconsin.gov
tel: 608.266.9791
fax: 608.266.3830

Kennedy, Debora

From: Postmaster@dhfs.state.wi.us on behalf of Bartelt, Richard G - DHFS
Sent: Friday, August 31, 2007 12:06 PM
To: Kennedy, Debora
Subject: Re: Nurse aide training request

I will be out of the office until September 10, 2007. I will reply when I return.

Kennedy, Debora

From: Busse, Shari E - DHFS
Sent: Friday, August 31, 2007 1:20 PM
To: Kennedy, Debora
Cc: Bartelt, Richard G - DHFS
Subject: Re: Nurse aide training request

Attachments: Remedial Legis 07 08_OQA Nurse Aide Technicals.doc



Remedial Legis 07
08_OQA Nurse...

Hi Debora -

I did receive the fax that you sent to my attention and gave it to Dick Bartelt. The fax you sent is very similar to the attached document that we drafted last year, except our version does not have the feeding assistant definition in it. Your version has the feeding assistant definition that we have included in the draft HFS 129 revisions. I'm not quite sure how that got there.

Regardless, we would like the 146.40(1)(g) feeding assistant definition to remain an individual who has completed training and testing to perform one nursing-related duty, as defined by the department by rule. Then we will include the more detailed definition in the rule.

You are correct that in 146.40(1)(d) "resident assistant" should be "feeding assistant."

Dick is on vacation through the 10th and you are out through the 14th. He will follow-up with you the week of September 17th.

thank you ~
Shari

>>> "Kennedy, Debora" <Debora.Kennedy@legis.wisconsin.gov> 8/31/07 12:04
>>> PM >>>

I sent to you on August 28 a FAX of the material I was given by Laura Rose of the Legislative Council as the basis for the law revision request concerning nurse aides. It has conflicts with the proposed draft changes you have provided me with. I have not heard from you concerning this FAX; I assume you received it. I will be out of the office this afternoon and Sept. 3 to 14. If I have not heard from you via e-mail during that time, I will contact you the week of September 17 when, it is to be hoped, we can resolve these conflicts and I can proceed with this draft.

Debora A. Kennedy
Managing Attorney
Legislative Reference Bureau
(608) 266-0137
debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Bartelt, Richard G - DHFS
Sent: Friday, June 29, 2007 8:58 AM
To: Busse, Shari E - DHFS; Kennedy, Debora
Cc: Bartelt, Richard G - DHFS; Cynthia Hintze; Mims, Cremear H - DHFS; Walters, Jane A - DHFS; Rose, Laura
Subject: RE: Questions on attached proposal
Attachments: Chapter 146 revised062907.doc



Chapter 146
evised062907.doc ..

Answers are bolded

* * * * *

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Richard Bartelt, Caregiver Regulation Lead DHFS/OQA/OCQ 608-243-2030
608-243-2026 fax
barterg@dhfs.state.wi.us

>>> Shari Busse 06/26/2007 4:05 PM >>>

Thank you, Debora. We will have a response to your questions by the end of the week.
Shari

>>> "Kennedy, Debora" <Debora.Kennedy@legis.wisconsin.gov> 6/25/07
8:49:25 PM >>>

Shari, the following are my questions:

1. The instructions say, in part, "Delete the outdated deeming and grandparenting language." Are you certain that these statutes no longer apply to any person? Yes.
2. The instructions say "s. 146.40 (2m)--Federal regulations allow the use of feeding assistants in nursing homes. Add statutory language to allow the use of feeding assistants."

What do you mean by this? Do you intend that I create s. 146.40 (2m)?

Yes.
If so, do you want it to echo parts of s. 146.40 (2)? If so, which part(s)? No, we want language in the statute that gives the Department authority to create it by rule. See attached Chapter 146 revised document.

Do you want me to create a state-approved feeding assistant training program? No, we want language in the statute that gives the Department authority to create it by rule. See attached Chapter 146 revised document.

Do you want s. 146.40 (3), (3m), and (4) to be amended to include nursing assistants? Did you mean feeding assistants? If you meant feeding assistants, no.

What about s. 146.40 (4r)? Any other provisions? Delete the words "nurse assistant" and "home health aide". Replace with person. See attached Chapter 146 revised document.

3. The instructions say, with respect to s. 146.40 (4r): "Make changes to synchronize how the appeal period is calculated in both chapter 146 and HFS 13."

This instruction is imprecise; how do you intend that I "synchronize" the appeal period? Do you want me to use certain language in HFS 13 to amend s. 146.40 (4r)? If, so, what? Please be more explicit. Yes, use language in HFS13.05(7)(b). See attached Chapter 146 revised document.

4. The instructions say, "[c]hang[ing] "certification" to "approval" in s. 146.40 (4m) and (5) (a)."

Do you intend that these words be changed only in the provisions specified? If so, the changes would then be inconsistent with the rest of the statutes. I assume that these changes should be made throughout, correct? The words "certification" or "certified" would have to be changed to "approval" or "approved" in more than the two paragraphs stated above. See attached Chapter 146 revised document, paragraphs (3), (4) and (5) and their respective subparagraphs.

5. The instructions say, "Update all references to "aides" in the complaint filing, investigation, decision-making, and hearing process language in s. 146.40 to "caregivers"."

Why? What is the term "caregiver" (for which no definition is given) supposed to mean? Use language in Chapter 50.065(1)(ag)1. See attached Chapter 146 revised document 146.40 (i).

6. The instructions generally are changing terminology, deleting some categories of persons who would be eligible to be employed as aides by certain facilities, and making other changes. Because these changes will apply to persons who are now termed hospice aides, home health aides, etc., it will be necessary to draft certain transitional provisions that will refer to current (2005) law to allow now-certified people to be considered "approved" under the new terminology. I recommend that, in addition, the draft have a delayed effective date of a few months after passage for facilities and people involved to understand and implement these changes.

The term nurse aide has been used for quite some time among healthcare providers to refer to all individuals who have completed a state approved training and competency evaluation program regardless of what type healthcare setting they work in. All Wisconsin approved nurse aide training and testing programs meet OBRA 87 requirements for individuals who will be working in a long term, home health or hospice healthcare provider setting.

Debora Kennedy

-----Original Message-----

From: Busse, Shari E - DHFS
Sent: Monday, June 25, 2007 3:01 PM
To: Kennedy, Debora
Cc: Bartelt, Richard G - DHFS
Subject: Re: Questions on attached proposal

Hi Debora -

I am in and out of meetings all week so if possible, it would be best if you could email your questions about 146.40 to me. Please cc Dick Bartelt and we will get back to you as soon as possible.

thank you ~
Shari

Shari Busse, Director
Office of Caregiver Quality
Division of Quality Assurance
Department of Health and Family Services
608-243-2084
608-243-2020 fax
bussese@dhfs.state.wi.us

Plan to attend DQA's 7th Annual Conference for Health Care Providers and DQA Staff August 7, 2007 ~ FOCUS 2007 Special Session: Zeroing In on Abuse Prevention August 8, 2007 ~ FOCUS 2007 Conference: Coming Together: Mapping The Journey To Excellence
Location: Stevens Point Holiday Inn & Convention Center
http://dhfs.wisconsin.gov/rl_dsl/Training/focus07.htm

* * * * *

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>>> "Rose, Laura" <Laura.Rose@legis.wisconsin.gov> 6/22/07 11:53 AM
>>>

Hi Shari,

Katie Plona gave me your name as the appropriate contact person on this remedial legislation proposal described in the attachment. The drafter at the LRB, Debora Kennedy, has some questions on this. I wanted to let you know that she will be calling you.

Thanks,

Laura Rose
Staff to Law Revision Committee

Laura D. Rose
Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
P. O. Box 2536
Madison, WI 53701-2536
laura.rose@legis.wisconsin.gov
tel: 608.266.9791
fax: 608.266.3830

**Chapter 146
Miscellaneous Health Provisions**

146.40 Instructional programs for nurse's aides; reporting client abuse.

146.40(1) In this section:

*no's
DN*

(a) "Caregiver" has the meaning specified in Chapter 50.065(1)(aq)1

(ad) "Client" means a person who receives services from an entity.

No ?

(ag) "Credential" has the meaning given in s.440.01 (2)(a).

Deleted:)

(am) "Developmentally disabled person" has the meaning specified in s. 55.01 (2).

(as) "Entity" has the meaning given in s. 50.065 (1) (c).

(b) "Home health agency" has the meaning specified in s. 50.49 (1) (a).

(bo) "Hospice" means a hospice that is licensed under subch. IV of ch. 50 and that is certified as a provider of services under 42 USC 1395 to 1395ccc.

Deleted: (bm) "Home health aide" means an individual employed by or under contract with a home health agency to provide home health aide services under the supervision of a registered nurse. "Home health aide" does not mean an individual who is licensed, permitted, certified or registered under ch. 441, 448, 449, 450, 455 or 459.

(br) "Hospital" has the meaning specified in s. 50.33 (2).

(bt) "Intermediate care facility for persons with mental retardation" has the meaning under 42 USC 1396d (c) and (d).

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(c) "Licensed practical nurse" means a nurse who is licensed or has a temporary permit under s. 441.10 or is licensed as a licensed practical/vocational nurse in a party state, as defined in s. 441.50 (2) (i).

Deleted: (bp) "Hospice aide" means an individual employed by or under contract with a hospice to provide hospice aide services under the supervision of a registered nurse. "Hospice aide" does not mean an individual who is licensed, permitted, certified or registered under ch. 441, 448, 449, 450, 455 or 459.

(d) "Nurse aide" means an individual who performs routine patient care duties delegated by a registered nurse or licensed practical nurse who supervises the individual, for the direct health care of a patient or resident. "Nurse aide" does not mean an individual who is a resident assistant under 146.40(1) (g), an individual who is licensed, permitted, certified or registered under subch. XI of ch. 440 or ch. 441, 448, 449, 450, 451, 455 or 459 or an individual whose duties primarily involve skills that are different than those taught in instructional and competency evaluation programs for nurse aides certified under sub. (3) or evaluated by competency evaluation programs for nurse aides approved under sub. (3m).

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(e) "Nursing home" has the meaning specified in s. 50.01 (3).

(f) "Registered nurse" means a nurse who has a certificate of registration under s. 441.06 or a temporary permit under s. 441.08 or who is licensed as a registered nurse in a party state, as defined in s. 441.50 (2) (i).

*What
does
this
mean
wcb*

(g) "Feeding Assistant" means an individual who has completed training and testing to perform one nursing-related duty, as defined by the department by rule. This individual shall not be counted toward meeting or complying with any requirements for nursing care staff and functions of a facility, including minimum nursing staffing requirements.

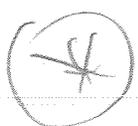
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This is extremely different from originally proposed definition - part is substantive

wcb

*feeding program
a state-approved feeding assistant*

50.02(2)(b m)



Chapter 146
Miscellaneous Health Provisions

(h) "Student nurse" means an individual who is currently enrolled in a school for professional nurses or a school for licensed practical nurses that meets standards established under s.

441.01 (4), or who has successfully completed the course work of a basic nursing course of the school but has not successfully completed the examination under s. 441.05 or 441.10 (2).

146.40(2) A hospital, nursing home, home health agency, hospice or intermediate care facility for persons with mental retardation may not employ or contract for the services of an individual as a nurse aide, regardless of the title under which the individual is employed, unless one of the following is true:

(a) the individual has successfully completed instruction in an instructional program and successfully completed a competency evaluation program for nurse aides that is approved by the department under sub. (3).

(b) For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, and intermediate care facilities for persons with mental retardation that are certified providers of medical assistance, the individual is enrolled in a nurse aide instructional program and employed or under contract as a nurse aide fewer than 120 calendar days by the hospital, nursing home, home health agency, hospice or intermediate care facility for persons with mental retardation. This individual shall be allowed to perform only services for which they have been trained and found proficient by the instructor. This individual shall not be counted toward meeting or complying with any requirements for nursing care staff and functions of a facility, including minimum nursing staffing requirements, until satisfactory completion of a competency evaluation.

(c) For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, and intermediate care facilities for persons with mental retardation that are certified providers of medical assistance, the individual has successfully completed an instructional program and a competency evaluation program for nurse aides that is certified in another state that meets criteria for acceptance in this state as specified by the department by rule.

(d) For hospitals, home health agencies or hospices, whether or not certified providers of medical assistance, nursing homes that are not certified providers of medical assistance and intermediate care facilities for persons with mental retardation that are certified providers of medical assistance, the individual is a student nurse who has successfully completed a basic nursing course from a school that is on the accredited list of schools specified under s. 441.01 (4) or who successfully completes a competency evaluation program for nurse aides that is approved by the department under sub. (3m).

(e) For nursing homes that are certified providers of medical assistance, the individual is a student nurse who successfully completes a competency evaluation program for nurse aides that is approved by the department under sub. (3m).

(f) For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, and intermediate care facilities for persons with mental retardation that are certified providers of medical assistance, the individual, if he or she has

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Deleted: (am) For hospitals, nursing homes, home health agencies, hospices and intermediate care facilities for the mentally retarded, if the individual was employed or under contract as a nurse's assistant, home health aide or hospice aide between October 1, 1985, and October 1, 1990, and if par. (b) or (c) ... does not apply, after the individual successfully completes, by December 31, 1991, a competency evaluation program that is approved by the department under sub. (3m)....

(b) For hospitals, nursing homes or home health agencies and intermediate care facilities for the mentally retarded, the individual has been employed or under contract as a nurse's assistant or as a home health aide for at least 12 months on or prior to October 1, 1990, and, for hospices, the individual has been employed or under contract as a hospice aide for at least 12 months on or prior to August 15, 1991. ... [2]

Deleted: (bm) For nursing homes that are certified providers of medical assistance, the individual has been employed or under contract as a nurse's assistant for one or more such nursing homes of the same employer in this state for at least 24 consecutive months before December 19, 1989. ... [3]

Deleted: e...the...ly...ed...s assistants, home health aides or hospice...m...s assistants...(f) For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, and intermediate care facilities for the mentally retarded that are certified providers of medic... [4]

Deleted: g...nursing homes that are certified providers of medical assistance ... [5]

**Chapter 146
Miscellaneous Health Provisions**

performed no nursing-related service for monetary compensation for 24 consecutive months after having satisfied the requirement under par. (a), again successfully completes a competency evaluation program for nurse aides that is approved by the department under sub. (3m).

146.40 (2m) For nursing homes, or intermediate care facilities for persons with mental retardation, whether or not certified providers of medical assistance, the individual may not be employed or contracted as a feeding assistant, regardless of the title under which the individual is employed, unless the individual has successfully completed feeding assistant training and testing, as defined by the department by rule.

146.40(3) Except as provided in sub. (4d), the department shall approve instructional programs for nurse aides that apply for approval and satisfy standards for approval promulgated by rule by the department. The department shall review the curriculum of each approved instructional program at least once every 24 months following the date of approval to determine whether the program satisfies the standards for approval. Under this subsection, the department may, after providing notice, suspend or revoke the approval of an instructional program or impose a plan of correction on the program if the program does not satisfy the standards for approval, or operates under conditions that are other than those contained in the application approved by the department.

146.40 (3m) The department shall review competency evaluation programs for nurse aides and, except as provided in sub. (4d), may approve those competency evaluation programs that satisfy standards for approval that are specified in rules of the department. Under this subsection, the department may, after providing notice, suspend or revoke approval of a competency evaluation program or impose a plan of correction if the competency evaluation program fails to satisfy the standards or operates under conditions that are other than those contained in the application approved by the department.

146.40(4) A competency evaluation program approved under sub. (3m) shall list the individuals on the registry after an individual has successfully completed the competency examination.

146.40(4d)(a) Except as provided in par. (am), the department shall require each applicant to provide the department with his or her social security number, if the applicant is an individual, or the applicant's federal employer identification number, if the applicant is not an individual, as a condition of issuing an approval, under sub. (3) or an approval under sub. (3m).

(am) If an individual who applies for approval under par. (a) does not have a social security number, the individual, as a condition of obtaining approval, shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of workforce development. An approval issued in reliance upon a false statement submitted under this paragraph is invalid.

(b) The department may not disclose any information received under par. (a) to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(c) Except as provided in par. (am), the department shall deny an application for the issuance of an approval specified in par. (a) if the applicant does not provide the information specified in par. (a).

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Chapter 146
Miscellaneous Health Provisions

(d) The department shall deny an application for the issuance of an approval specified in par. (a) or shall revoke an approval if the department of revenue certifies under s. 73.0301 that the applicant for or holder of a certification or approval is liable for delinquent taxes.

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(e) An action taken under par. (c) or (d) is subject to review only as provided under s. 73.0301 (2) (b) and (5).

146.40(4g) (a) The department shall establish and maintain a registry that contains all of the following:

Deleted: ¶

1. A listing of all individuals about whom the department is notified under sub. (4) and satisfies the requirements set forth in sub. (2) (f).

2. A listing of all individuals about whom the department is notified under sub. (4r) (a) or (am), for whom the department makes findings under sub. (4r) (b) and to whom any of the following applies:

a. The individual waives a hearing or fails to notify the department under sub. (4r) (c).

b. A hearing officer finds reasonable cause to believe that the individual performed an action alleged under sub. (4r) (a) or (am).

3. Findings of the department under sub (4r) (b) or of the hearing officer under sub. (4r) (d) concerning the misappropriation of property or the neglect or abuse of a client by an individual listed under subd. 2.

4. A brief statement, if any, of an individual about whom the department is notified under sub. (4) and who disputes the department's findings under sub. (4r) (b) or the hearing officer's findings under sub. (4r) (d).

(b) The department shall provide, upon receipt of a specific, written request, information requested that is contained in the registry under par. (a).

Deleted: b

(c) Section 46.90 does not apply to this subsection.

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146.40(4m) An instructional program under sub. (3) for which the department has suspended or revoked approval or imposed a plan of correction or a competency evaluation program under sub. (3m) for which the department has suspended or revoked approval or imposed a plan of correction may contest the department's action by sending, within 10 days after receipt of notice of the contested action, a written request for hearing under s. 227.44 to the division of hearings and appeals created under s. 15103 (1). The administrator of the division may designate a hearing examiner to preside over the case and recommend a decision to the administrator under s. 227.46. The decision of the administrator of the division shall be the final administrative decision. The division shall commence the hearing within 30 days after receipt of the request for hearing and shall issue a final decision within 15 days after the close of the hearing. Proceedings before the division are governed by ch. 227. In any petition for judicial review of a decision by the division, the party, other than the petitioner, who was in the proceeding before the division shall be the named respondent. This subsection does not apply to a revocation of approval under sub. (4d) (d).

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**Chapter 146
Miscellaneous Health Provisions**

146.40(4r) (a) Any individual may report to the department that he or she believes that any person employed by or under contract with an entity has neglected or abused a client or misappropriated the client's property.

(am)1. An entity shall report to the department any allegation of misappropriation of the property of a client or of neglect or abuse of a client by any person employed by or under contract with the entity if the person is under the control of the entity.

2. An entity that intentionally fails to report an allegation of misappropriation of the property of a client or of neglect or abuse of a client may be required to forfeit not more than \$1,000 and may be subject to other sanctions specified by the department by rule.

(b) Except as provided in par. (em) and (er), the department shall review and investigate any report received under par. (a) or (am) and, if the allegation is substantiated, make specific, documented findings concerning the misappropriation of property or the neglect or abuse. The department shall in writing, notify the person specified in the report that the person's name and the department's findings about the person shall be listed in the registry under sub. (4g) (a) 2. and 3. unless the person contests the listings in a hearing before the division of hearings and appeals created under s. 15.103 (1). The written notification shall describe the investigation conducted by the department, enumerate the findings alleging misappropriation of property or neglect or abuse of a client and explain the consequence to the person specified in the report of waiving a hearing to contest the findings. The person specified in the report shall have 30 calendar days after receipt of the notification to indicate to the department in writing whether he or she intends to contest the listing or to waive the hearing.

(c) If the person under par. (b) notifies the department that he or she waives a hearing to contest the listings in the registry under par. (b), or fails to notify the department within 30 calendar days after receipt of a notice under par. (b), the department shall enter the name of the individual under sub. (4g) (a) 2. and the department's findings about the individual under sub. (4g) (a) 3.

(d) If the person specified in the report received under par. (a) or (am) timely notifies the division of hearings and appeals created under s. 15.103 (1) that he or she contests the listings in the registry under par. (b), the division of hearings and appeals shall hold a hearing under the requirements of ch. 227. If after presentation of evidence a hearing officer finds that there is no reasonable cause to believe that the person specified in the report received under par. (a) or (am) performed an action alleged under par. (a) or (am), the hearing officer shall dismiss the proceeding. If after presentation of evidence a hearing officer finds that there is reasonable cause to believe that the person specified in the report received under par. (a) or (am) performed an action alleged under par. (a) or (am), the hearing officer shall so find and shall cause the name of the person specified in the report received under par. (a) or (am) to be entered under sub. (4g) (a) 2. and the hearing officer's findings about the person specified in the report received under par. (a) or (am) to be entered under sub. (4g) (a) 3.

(e) The person may provide the department with a brief statement disputing the department's findings under par. (b) or the hearing officer's findings under par. (d) and, if so provided, the department shall enter the statement under sub. (4g) (a) 4.

(em) If the department of health and family services receives a report under par. (a) or (am) and determines that a person who is the subject of the report holds a credential that is related to

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 2. An entity shall report to the department of regulation and licensing any allegation of misappropriation of the property of a client or of neglect or abuse of a client by any person employed by or under contract with the entity if that person holds a credential that is related to the person's employment at, or contract with, the entity if the person is under the control of the entity.
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Chapter 146
Miscellaneous Health Provisions

the person's employment at, or contract with, the entity, the department of health and family services shall refer the report to the department of regulation and licensing.

(er) The department may contract with private field investigators to conduct investigations of reports received by the department under par. (a) or (am).

(f) Section 46.90 does not apply to this subsection.

146.40(5) (a) The department shall promulgate rules specifying standards for approval in this state of instructional programs and competency evaluation programs for nurse aides. The standards shall include specialized training in providing care to individuals with special needs.

Deleted: , in consultation with the technical college system board,

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(b) The department shall promulgate rules specifying criteria for acceptance by this state of an instructional program and a competency evaluation program that is certified in another state, including whether the other state grants nurse aide privileges to persons who have completed instruction in an instructional and competency evaluation program that is approved under sub. (3) and whether one of the following is true:

Deleted: or a competency evaluation program

Deleted: 's assistant privileges, home health aide privileges or hospice

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1. If the other state certifies instructional programs and competency evaluation programs for nurse aides, the state's requirements are substantially similar, as determined by the department, to certification requirements in this state.

Deleted: 's assistants, home health aides or hospice

2. If the other state certifies nurse aides, that state's requirements are such that one of the following applies:

Deleted: 's assistants, home health aides or hospice

a. The instructional programs required for attendance by persons receiving certificates are substantially similar, as determined by the department, to instructional programs approved under sub. (3).

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b. The competency evaluation programs required for successful completion by persons receiving certificates are substantially similar, as determined by the department, to competency evaluation programs approved under sub. (3m).

146.40(6) Any person who violates sub. (2) shall forfeit not more than \$1,000.

146.40(7) This section does not apply to a hospice that receives no federal or state moneys for any purpose.

146.40 - ANNOT.

History: 1987 a. 128; 1989 a. 31, 84, 336; 1991 a. 39; 1993 a. 27, 399; 1995 a. 27; 1997 a. 27, 35, 156, 237, 252; 1999 a. 9, 22, 32.

146.40 - ANNOT.

Sub. (4r) provides for a hearing examiner to make a determination of abuse. That determination is the final agency determination. Kennedy v. DHSS, 199 Wis. 2d 442, 544 N.W.2d 917 (Ct. App. 1996).

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, a home health agency may not employ or contract for the services of an individual as a home health aide and a hospice may not employ or contract for the services of an individual as a hospice aide		
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For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, except as provided in par. (g),		
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and intermediate care facilities for the mentally retarded that are certified providers of medical assistance,		
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's assistants, home health aides or hospice		
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(am) For hospitals, nursing homes, home health agencies, hospices and intermediate care facilities for the mentally retarded, if the individual was employed or under contract as a nurse's assistant, home health aide or hospice aide between October 1, 1985, and October 1, 1990, and if par. (b) or (c)		
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does not apply, after the individual successfully completes, by December 31, 1991, a competency evaluation program that is approved by the department under sub. (3m)		
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(b) For hospitals, nursing homes or home health agencies and intermediate care facilities for the mentally retarded, the individual has been employed or under contract as a nurse's assistant or as a home health aide for at least 12 months on or prior to October 1, 1990, and, for hospices, the individual has been employed or under contract as a hospice aide for at least 12 months on or prior to August 15, 1991.		
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(bm) For nursing homes that are certified providers of medical assistance, the individual has been employed or under contract as a nurse's assistant for one or more such nursing homes of the same employer in this state for at least 24 consecutive months before December 19, 1989.		
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Page 2: [3] Deleted , or the individual is certified as a nurse's assistant, home health aide or hospice aide in another state that meets criteria for acceptance in this state as specified by the department by rule, except that after December 31, 1991, par. (a)	Shari E. Busse	02/26/2001 9:54:00 PM
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's assistants, home health aides or hospice

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's assistants

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(f) For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, and intermediate care facilities for the mentally retarded that are certified providers of medical assistance, the individual has successfully completed, prior to October 1, 1990, an instructional and competency evaluation program that is substantially the same as an instructional and competency evaluation program certified by the department under sub. (3)

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and that the department determines generally meets the standards for certification promulgated under sub. (3)

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nursing homes that are certified providers of medical assistance

Chapter HFS 12

CAREGIVER BACKGROUND CHECKS

Subchapter I — General Provisions

- HFS 12.01 Authority and purpose.
HFS 12.02 Applicability.
HFS 12.03 Definitions.

Subchapter II — Background Checks

- HFS 12.04 Contracting for background checks.
HFS 12.05 Sanctions.
HFS 12.06 Determining whether an offense is substantially related to client care.
HFS 12.07 Reporting background changes and nonclient residency.

- HFS 12.08 Armed forces background searches.
HFS 12.09 Transmittal of background check information.
HFS 12.10 Maintaining confidentiality of background information disclosure forms.
HFS 12.11 Supervision pending receipt of caregiver background checks.

Subchapter III — Rehabilitation Review

- HFS 12.12 Rehabilitation process for persons who have committed certain offenses.

Note: Chapter HFS 12 was repealed and recreated as an emergency rule effective February 13, 2000. Chapter HFS 12 as it existed August 31, 2000 was repealed and recreated. Register, August, 2000, effective September 1, 2000.

Subchapter I — General Provisions

HFS 12.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.685 (1) (ag) 1. a., (2) (d), (4), (5) (a), (6) (b) and (c), Stats.; and s. 50.065 (1) (ag) 1. a., (d), (f), (2) (d), (4), (5), (6) (b) and (c), Stats.; and s. 227.11 (2), Stats., to protect from harm clients served by department-regulated programs, children placed in foster homes licensed by county departments of social or human services or private child-placing agencies or children who are being adopted, and children served in day care programs contracted by local school boards under s. 120.13 (14), Stats., by requiring uniform background information screening of persons regulated and persons who are employees of or under contract to regulated entities or who are nonclient residents of regulated entities.

Note: Administrative rules governing county certified day care centers appear in ch. DWD 55.

History: Cr. Register, August, 2000, No. 536, eff. 9-1-00.

HFS 12.02 Applicability. (1) SCOPE. (a) *Persons and agencies affected.* This chapter applies to the department; to applicants for regulatory approval from the department; to persons, agencies and entities that have received regulatory approval from the department; to county department and child-placing agencies that license foster homes and approve applications for adoption home studies; to foster home license applicants and licensees and applicants for an adoption home study; to school boards that establish or contract for daycare programs under s. 120.13 (14), Stats., and to applicants and persons under contract to a school board to operate a day care program under s. 120.13 (14), Stats.

(b) *Entities covered.* The entities subject to this chapter are those regulated under: chs. HFS 34, 38, 40, 45, 46, 52, 54, 55, 56, 57, 59, 61, 63, 82, 83, 88, 89, 110, 111, 112, 124, 127, 131, 132, 133, and 134, any other direct client care or treatment program that may be licensed or certified or registered by the department.

History: Cr. Register, August, 2000, No. 536, eff. 9-1-00.

HFS 12.03 Definitions. In this chapter:

- (1) "Adoption home study" means an evaluation of a prospective adoptive family under ch. HFS 51 or 54.
(2) "Agency" means the department, a county department or a school board or a child welfare agency licensed under s. 48.60, Stats., as a child-placing agency.
(3) "Background information disclosure form" means the department's form, HFS 64, on which a person provides certain information concerning the person's background.
(4) "Bar" means, as a noun, that a person is not permitted to receive regulatory approval, or be employed as a caregiver by or under contract with an entity, or to reside as a nonclient at an entity,

(5) "Caregiver" has the meaning specified in s. 48.685 (1) (ag) or 50.065 (1) (ag), Stats., whichever is applicable.

(6) "Client" means a person who receives direct care or treatment services from an entity. For the purposes of this chapter, "client" includes an adopted child for whom an adoption assistance payment is being made under s. 48.975, Stats.

(7) "Contractor" has the meaning specified in ss. 48.685 (1) (ar) and 50.065 (1) (bm), Stats.

(8) "County department" means a county department of social services established under s. 46.215 or 46.22, Stats., or a county department of human services established under s. 46.21 (2m) or 46.23, Stats.

(9) "Department" means the Wisconsin department of health and family services.

(10) "Direct contact" has the meaning specified in ss. 48.685 (1) (ar) and 50.065 (1) (br), Stats.

(11) "Entity" has the meaning specified in s. 48.685 (1) (b) or 50.065 (1) (c), Stats., whichever is applicable.

(12) "Foster home" means any facility operated by a person required to be licensed under s. 48.62 (1) (a), Stats., in which care and maintenance are provided for no more than 4 foster children, or, if all are siblings, for no more than 6 children, and also includes a treatment foster home that also provides structured professional treatment by trained individuals, and a home licensed for placement of children for adoption under s. 48.833, Stats., for whom adoption assistance will be provided under s. 48.975, Stats.

(13) "Hospital" means a facility approved as a hospital under s. 50.35, Stats.

(14) "Nonclient resident" has the meaning specified in ss. 48.685 (1) (bm) and 50.065 (1) (cn), Stats.

(15) "Personal care worker agency" means a home health agency licensed under s. 50.49, Stats., and ch. HFS 133 and certified as a personal care worker agency under s. HFS 105.17 (1).

(16) "Regular" means, in terms of direct contact with clients, contact that is scheduled, planned, expected, or otherwise periodic.

(17) "Regulatory approval" means:

(a) For purposes of s. 48.685, Stats., any of the following:

1. Issuance by the department of a license or certification or the continuation or renewal of a license or certification, or approval of a prospective adoptive parent application for a home study.

2. Issuance or renewal by a county department or child-placing agency of a foster home or treatment foster home license under s. 48.62 or 48.75, Stats., including a home licensed for placement of children for adoption under s. 48.833, Stats., for whom adoption assistance will be provided under s. 48.975, Stats., and includes approval of pre-adoptive applicants who contract for a home study with a licensed private child placing agency for approval of a placement of a child for adoption.

Note: Administrative rules governing county certified day care centers appear in ch. DWD 55.

3. Approval by a school board under s. 120.13 (14), Stats., of day care services established by or contracted with a day care provider.

(b) For purposes of s. 50.065, Stats., issuance by the department of an entity license, certification, certificate of approval or registration, or approval by the department of the continuation of an entity license, certification, certificate of approval or registration.

(18) "Rehabilitation review" refers to an agency or tribal process where a person who is eligible under s. 48.685 (5) (a) or 50.065 (5), Stats., may seek the removal of a bar from regulatory approval, from employment as a caregiver at or contracting with an entity, or from residency at an entity.

(19) "School board" means the school board or board of school directors in charge of the schools of a school district.

(20) "Serious crime" has the meaning specified in s. 48.685 (1) (c) or 50.065 (1) (c), Stats., whichever is applicable.

(21) "Supportive home care service agency" means a home health agency licensed under s. 50.49, Stats., and ch. HFS 133.

(22) (a) "Treatment foster home" means a family-oriented facility operated by a person or persons required to be licensed under s. 48.62 (1) (b), Stats., in which treatment, care and maintenance are provided for no more than 4 foster children.

(b) "Treatment foster home" includes a placement for adoption under s. 48.833, Stats., of a child for whom adoption assistance will be provided under s. 48.975, Stats., after adoption is finalized.

(c) "Treatment foster home" does not include a shift-staffed facility, except as permitted under s. HFS 38.02 (2) (d).

(23) "Tribal governing body" means an elected tribal governing body of a federally recognized American Indian tribe.

(24) "Tribe" has the meaning specified in ss. 48.685 (1) (c) and 50.065 (1) (g), Stats.

(25) "Under the entity's control" means an entity does all of the following:

(a) Determines whether a person employed by or under contract with the entity who has direct, regular contact with clients served by the entity may provide care, treatment, or other similar support service functions to clients.

(b) Directs or oversees one or more of the following:

1. The policies or procedures the person must follow in performing his or her duties.

2. The conditions under which the person performs his or her duties.

3. The tasks the person performs.

4. The person's work schedule.

5. The supervision or evaluation of the person's work or job performance, including imposing discipline or awarding performance awards.

6. The compensation the person receives for performing his or her duties.

History: Cr. Register, August, 2000, No. 536, eff. 9-1-00; correction in (12) made under s. 13.93 (2m) (b) 7, Stats., Register, April, 2001, No. 544.

Subchapter II — Background Checks

HFS 12.04 Contracting for background checks.

(1) An entity may enter into and shall retain an agreement or contract with any entity identified under s. 48.685 (1) (b) or 50.065 (1) (c), Stats., or with any college, or university, including any vocational or technical college or school, or temporary employment agency or other person, to have the entity, school, temporary employment agency, or other person obtain and retain required background information related to caregivers, including contractors, students, or temporary employees, who, as part of their cur-

riculum, must participate in clinical or practicum experiences at an entity.

(2) An entity that enters into an agreement or contract under sub. (1) shall obtain, at a minimum, from the other entity, university, college or technical school, temporary employment agency, or other person contracted with, and shall retain so that it may be promptly retrieved for inspection by the agency, a letter indicating the name or names and social security numbers, if available, of the caregivers, including temporary employees, contractors, or students, listing any convictions learned of during the course of the required background checks, along with any substantiated findings of misconduct, licensure denial or restriction or any other credential limitation found by either the department or the department of regulation and licensing.

Note: To obtain a master copy of the HFS - 64 Background Information Disclosure Form, in order to reproduce it, either download the form from the Department's internet web site at www.dhfs.state.wi.us/caregiver/index.htm, or you may request a copy of the form from the agency that regulates your entity.

Note: The only persons who may access information maintained by a county department regarding a substantiated report of child abuse or neglect against a person are those identified in s. 49.981 (7), Stats.

History: Cr. Register, August, 2000, No. 536, eff. 9-1-00.

HFS 12.05 Sanctions. (1) **SANCTIONABLE ENTITY ACTIONS.** An entity that commits any of the following acts may be subject to any of the sanctions specified in sub. (2):

(a) Hires, employs, or contracts with a caregiver, or permits to reside at an entity a nonclient resident, where the entity knows or should have known the caregiver or nonclient resident is barred under s. 48.685 (4m) (b) or 50.065 (4m) (b), Stats.

(b) Violates any provision of initial background information gathering or periodic background information gathering required by s. 48.685 or 50.065, Stats.

(2) **ENTITY SANCTIONS.** Any of the following sanctions may be imposed on any entity that commits any of the acts described in sub. (1):

(a) A forfeiture not to exceed \$1,000.

(b) A requirement that the entity submit to the agency a written corrective action plan specifying corrections that will be made to the identified personnel screening practices needing correction and that the entity implement the plan.

(c) At entity expense, attendance at agency-designated personnel screening training or other appropriate training.

(d) Specific conditions or limitations placed on the license, certification or registration or on a school board-issued contract, including denial, revocation, nonrenewal or suspension of regulatory approval issued by the department, or denial, nonrenewal or termination by a school board of a contract with a day care provider under s. 120.13 (14), Stats.

(e) For a person licensed to operate a child welfare agency, shelter care facility, group foster home or day care facility, any sanction or penalty described in s. 48.715, Stats.

(f) A requirement that the entity use, at entity expense, a temporary employment agency for screening and hiring personnel.

(3) **SANCTIONABLE INDIVIDUAL ACTIONS.** Any person who is required to complete a background information disclosure form and who commits any of the following actions may be subject to any of the sanctions specified in sub. (4):

(a) Fails to complete and submit the background information disclosure form to the appropriate agency or entity.

(b) Knowingly gives false information on or knowingly omits information from the background information disclosure form submitted to an agency or entity.

(c) After submitting a background information disclosure form to an agency or entity, subsequently fails to report any information about a conviction for a crime or other act or offense requested on the background information disclosure form, about a substantiated finding of abuse or neglect or a client or of misappropriation of a client's property, or, in the case of a position for

(dm) With regard to an action under s. 895.441, to a court of record after issuance of a subpoena;

(e) With regard to any criminal matter, to a court of record, in accordance with chs. 885 to 895 and 995 and after issuance of a subpoena; and

(f) To the appropriate examining or licensing board or agency, when the organization or evaluator conducting the review or evaluation determines that such action is advisable.

(4) Any person who discloses information or releases a record in violation of this section, other than through a good faith mistake, is civilly liable therefor to any person harmed by the disclosure or release.

(5) This section does not apply to s. 146.56.

History: 1975 c. 187; 1979 c. 89; 1983 a. 27; 1989 a. 102; 1991 a. 217; 1999 a. 56; 2005 a. 155, 315.

The conclusions of a hospital governing body, based on records and conclusions of peer review committees, were not privileged under this section. *Good Samaritan Hospital v. Moroney*, 123 Wis. 2d 89, 365 N.W.2d 887 (Ct. App. 1984).

The methodology for determining privileged records under sub. (2) is outlined. *Franzen v. Children's Hospital*, 169 Wis. 2d 366, 485 N.W.2d 603 (Ct. App. 1992).

The methodology for determining privileged communications under sub. (1m) is discussed. *Mallon v. Campbell*, 178 Wis. 2d 278, 504 N.W.2d 357 (Ct. App. 1993).

Because this section does not provide for the loss of confidentiality due to disclosure to third parties, no waiver exists under this section. *Ollman v. Health Care Liability Ins. Co.* 178 Wis. 2d 648, 505 N.W.2d 399 (Ct. App. 1993).

Statistical data regarding a hospital's rates of infection for postoperative patients qualifies as a report in statistical form under sub. (3) (d) and was subject to discovery. A court need not conduct an in camera inspection to determine if material sought may be released when there is a request for information that on its face is clearly protected by this section. *Braverman v. Columbia Hospital, Inc.* 2001 WI App 106, 244 Wis. 2d 98, 629 N.W.2d 66, 00-0901.

The department of health and family services is a person subject to restrictions under sub. (1m) regarding the release of information. *Braverman v. Columbia Hospital, Inc.* 2001 WI App 106, 244 Wis. 2d 98, 629 N.W.2d 66, 00-0901.

Site reviews by associations to which local hospitals voluntarily submit for review in order to improve the quality of health care services constitutes peer review, the discovery of which is barred by this section. *Hofflander v. St. Catherine's Hospital, Inc.* 2003 WI 77, 262 Wis. 2d 539, 664 N.W.2d 545, 00-2467.

146.40 Instructional programs for nurse's aides; reporting client abuse. (1) In this section:

(ad) "Client" means a person who receives services from an entity.

(ag) "Credential" has the meaning given in s. 440.01 (2) (a).

(am) "Developmentally disabled person" has the meaning specified in s. 55.01 (2).

(as) "Entity" has the meaning given in s. 50.065 (1) (c).

(b) "Home health agency" has the meaning specified in s. 50.49 (1) (a).

(bm) "Home health aide" means an individual employed by or under contract with a home health agency to provide home health aide services under the supervision of a registered nurse. "Home health aide" does not mean an individual who is licensed, permitted, certified or registered under ch. 441, 448, 449, 450, 455 or 459.

(bo) "Hospice" means a hospice that is licensed under subch. IV of ch. 50 and that is certified as a provider of services under 42 USC 1395 to 1395ccc.

(bp) "Hospice aide" means an individual employed by or under contract with a hospice to provide hospice aide services under the supervision of a registered nurse. "Hospice aide" does not mean an individual who is licensed, permitted, certified or registered under ch. 441, 448, 449, 450, 455 or 459.

(br) "Hospital" has the meaning specified in s. 50.33 (2).

(bt) "Intermediate care facility for the mentally retarded" has the meaning under 42 USC 1396d (c) and (d).

(c) "Licensed practical nurse" means a nurse who is licensed or has a temporary permit under s. 441.10 or is licensed as a licensed practical/vocational nurse in a party state, as defined in s. 441.50 (2) (j).

(d) "Nurse's assistant" means an individual who performs routine patient care duties delegated by a registered nurse or licensed practical nurse who supervises the individual, for the direct health care of a patient or resident. "Nurse's assistant" does not mean an

individual who is licensed, permitted, certified, or registered under ch. 441, 448, 449, 450, 451, 455, 459, or 460 or an individual whose duties primarily involve skills that are different than those taught in instructional and competency evaluation programs for nurse's assistants certified under sub. (3) or evaluated by competency evaluation programs for nurse's assistants approved under sub. (3m).

(e) "Nursing home" has the meaning specified in s. 50.01 (3).

(f) "Registered nurse" means a nurse who has a certificate of registration under s. 441.06 or a temporary permit under s. 441.08 or who is licensed as a registered nurse in a party state, as defined in s. 441.50 (2) (j).

(g) "Student nurse" means an individual who is currently enrolled in a school for professional nurses or a school for licensed practical nurses that meets standards established under s. 441.01 (4), or who has successfully completed the course work of a basic nursing course of the school but has not successfully completed the examination under s. 441.05 or 441.10 (2).

(2) A hospital, nursing home or intermediate care facility for the mentally retarded may not employ or contract for the services of an individual as a nurse's assistant, a home health agency may not employ or contract for the services of an individual as a home health aide and a hospice may not employ or contract for the services of an individual as a hospice aide, regardless of the title under which the individual is employed, unless one of the following is true:

(a) For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, except as provided in par. (g), and intermediate care facilities for the mentally retarded that are certified providers of medical assistance, the individual has successfully completed instruction in an instructional and competency evaluation program for nurse's assistants, home health aides or hospice aides that is certified by the department under sub. (3).

(am) For hospitals, nursing homes, home health agencies, hospices and intermediate care facilities for the mentally retarded, if the individual was employed or under contract as a nurse's assistant, home health aide or hospice aide between October 1, 1985, and October 1, 1990, and if par. (b) or (c) does not apply, after the individual successfully completes, by December 31, 1991, a competency evaluation program that is approved by the department under sub. (3m).

(b) For hospitals, nursing homes or home health agencies and intermediate care facilities for the mentally retarded, the individual has been employed or under contract as a nurse's assistant or as a home health aide for at least 12 months on or prior to October 1, 1990, and, for hospices, the individual has been employed or under contract as a hospice aide for at least 12 months on or prior to August 15, 1991.

(bm) For nursing homes that are certified providers of medical assistance, the individual has been employed or under contract as a nurse's assistant for one or more such nursing homes of the same employer in this state for at least 24 consecutive months before December 19, 1989.

(c) For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, and intermediate care facilities for the mentally retarded that are certified providers of medical assistance, the individual is employed or under contract as a nurse's assistant, home health aide or hospice aide fewer than 120 calendar days by the hospital, nursing home, home health agency, hospice or intermediate care facility for the mentally retarded.

(d) For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, and intermediate care facilities for the mentally retarded that are certified providers of medical assistance, the individual has successfully completed instruction in an instructional and competency evaluation program or has successfully completed a competency evaluation program for nurse's assistants, for home health

aides or for hospice aides that is certified in another state that meets criteria for acceptance in this state as specified by the department by rule, or the individual is certified as a nurse's assistant, home health aide or hospice aide in another state that meets criteria for acceptance in this state as specified by the department by rule, except that after December 31, 1991, par. (a) applies.

(e) For hospitals, home health agencies or hospices, whether or not certified providers of medical assistance, nursing homes that are not certified providers of medical assistance and intermediate care facilities for the mentally retarded that are certified providers of medical assistance, the individual is a student nurse who has successfully completed a basic nursing course from a school that is on the accredited list of schools specified under s. 441.01 (4) or who successfully completes a competency evaluation program for nurse's assistants, home health aides or hospice aides that is approved by the department under sub. (3m).

(em) For nursing homes that are certified providers of medical assistance, the individual is a student nurse who successfully completes a competency evaluation program for nurse's assistants that is approved by the department under sub. (3m).

(f) For hospitals, nursing homes, home health agencies or hospices, whether or not certified providers of medical assistance, and intermediate care facilities for the mentally retarded that are certified providers of medical assistance, the individual has successfully completed, prior to October 1, 1990, an instructional and competency evaluation program that is substantially the same as an instructional and competency evaluation program certified by the department under sub. (3) and that the department determines generally meets the standards for certification promulgated under sub. (3).

(g) For nursing homes that are certified providers of medical assistance, the individual, if he or she has performed no nursing-related service for monetary compensation for 24 consecutive months after having satisfied the requirement under par. (a), again successfully completes instruction in an instructional and competency evaluation program for nurse's assistants that is certified by the department under sub. (3) or a competency evaluation program for nurse's assistants that is approved by the department under sub. (3m).

(3) Except as provided in sub. (4d), the department shall certify instructional and competency evaluation programs for nurse's assistants, for home health aides and for hospice aides that apply for certification and satisfy standards for certification promulgated by rule by the department. The department shall review the curriculum of each certified instructional and competency evaluation program at least once every 36 months following the date of certification to determine whether the program satisfies the standards for certification. Under this subsection, the department may, after providing notice, suspend or revoke the certification of an instructional and competency evaluation program or impose a plan of correction on the program if the program does not satisfy the standards for certification or operates under conditions that are other than those contained in the application approved by the department.

(3m) The department shall review competency evaluation programs for nurse's assistants, for home health aides and for hospice aides and, except as provided in sub. (4d), may approve those competency evaluation programs that satisfy standards for approval that are specified in rules of the department. Under this subsection, the department may, after providing notice, suspend or revoke approval of a competency evaluation program or impose a plan of correction if the competency evaluation program fails to satisfy the standards or operates under conditions that are other than those contained in the application approved by the department.

(4) An instructional and competency evaluation program certified under sub. (3) or a competency evaluation program approved under sub. (3m) shall notify the department, on a form provided by the department, within 30 days after an individual has successfully completed the program.

(4d) (a) Except as provided in par. (am), the department shall require each applicant to provide the department with his or her social security number, if the applicant is an individual, or the applicant's federal employer identification number, if the applicant is not an individual, as a condition of issuing a certification under sub. (3) or an approval under sub. (3m).

(am) If an individual who applies for a certification or approval under par. (a) does not have a social security number, the individual, as a condition of obtaining certification or approval, shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of workforce development. A certification or approval issued in reliance upon a false statement submitted under this paragraph is invalid.

(b) The department may not disclose any information received under par. (a) to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

(c) Except as provided in par. (am), the department shall deny an application for the issuance of a certification or approval specified in par. (a) if the applicant does not provide the information specified in par. (a).

(d) The department shall deny an application for the issuance of a certification or approval specified in par. (a) or shall revoke a certification or approval if the department of revenue certifies under s. 73.0301 that the applicant for or holder of a certification or approval is liable for delinquent taxes.

(e) An action taken under par. (c) or (d) is subject to review only as provided under s. 73.0301 (2) (b) and (5).

(4g) (a) The department shall establish and maintain a registry that contains all of the following:

1. A listing of all individuals about whom the department is notified under sub. (4).

2. A listing of all individuals about whom the department is notified under sub. (4r) (a) or (am), for whom the department makes findings under sub. (4r) (b) and to whom any of the following applies:

a. The individual waives a hearing or fails to notify the department under sub. (4r) (c).

b. A hearing officer finds reasonable cause to believe that the individual performed an action alleged under sub. (4r) (a) or (am).

3. Findings of the department under sub. (4r) (b) or of the hearing officer under sub. (4r) (d) concerning the misappropriation of property or the neglect or abuse of a client by an individual listed under subd. 2.

4. A brief statement, if any, of an individual about whom the department is notified under sub. (4) and who disputes the department's findings under sub. (4r) (b) or the hearing officer's findings under sub. (4r) (d).

(b) The department shall provide, upon receipt of a specific, written request, information requested that is contained in the registry under par. (a).

(c) Section 46.90 does not apply to this subsection.

(4m) An instructional and competency evaluation program under sub. (3) for which the department has suspended or revoked certification or imposed a plan of correction or a competency evaluation program under sub. (3m) for which the department has suspended or revoked approval or imposed a plan of correction may contest the department's action by sending, within 10 days after receipt of notice of the contested action, a written request for hearing under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1). The administrator of the division may designate a hearing examiner to preside over the case and recommend a decision to the administrator under s. 227.46. The decision of the administrator of the division shall be the final administrative decision. The division shall commence the hearing within 30 days after receipt of the request for hearing and shall issue a final decision within 15 days after the close of the hearing. Proceedings before the division are governed by ch. 227. In any petition for

judicial review of a decision by the division, the party, other than the petitioner, who was in the proceeding before the division shall be the named respondent. This subsection does not apply to a revocation of certification under sub. (4d) (d).

(4r) (a) Any individual may report to the department that he or she believes that any person employed by or under contract with an entity has neglected or abused a client or misappropriated the client's property.

(am) 1. Except as provided in subd. 2., an entity shall report to the department any allegation of misappropriation of the property of a client or of neglect or abuse of a client by any person employed by or under contract with the entity if the person is under the control of the entity.

2. An entity shall report to the department of regulation and licensing any allegation of misappropriation of the property of a client or of neglect or abuse of a client by any person employed by or under contract with the entity if that person holds a credential that is related to the person's employment at, or contract with, the entity if the person is under the control of the entity.

3. An entity that intentionally fails to report an allegation of misappropriation of the property of a client or of neglect or abuse of a client may be required to forfeit not more than \$1,000 and may be subject to other sanctions specified by the department by rule.

(b) Except as provided in pars. (em) and (er), the department shall review and investigate any report received under par. (a) or (am) and, if the allegation is substantiated, make specific, documented findings concerning the misappropriation of property or the neglect or abuse. The department shall in writing by certified mail notify the person specified in the report that the person's name and the department's findings about the person shall be listed in the registry under sub. (4g) (a) 2. and 3. unless the person contests the listings in a hearing before the division of hearings and appeals created under s. 15.103 (1). The written notification shall describe the investigation conducted by the department, enumerate the findings alleging misappropriation of property or neglect or abuse of a client and explain the consequence to the person specified in the report of waiving a hearing to contest the findings. The person specified in the report shall have 30 days after receipt of the notification to indicate to the department in writing whether he or she intends to contest the listing or to waive the hearing.

(c) If the nurse's assistant or home health aide under par. (b) notifies the department that he or she waives a hearing to contest the listings in the registry under par. (b), or fails to notify the department within 30 days after receipt of a notice under par. (b), the department shall enter the name of the individual under sub. (4g) (a) 2. and the department's findings about the individual under sub. (4g) (a) 3.

(d) If the person specified in the report received under par. (a) or (am) timely notifies the division of hearings and appeals created under s. 15.103 (1) that he or she contests the listings in the registry under par. (b), the division of hearings and appeals shall hold a hearing under the requirements of ch. 227. If after presentation of evidence a hearing officer finds that there is no reasonable cause to believe that the person specified in the report received under par. (a) or (am) performed an action alleged under par. (a) or (am), the hearing officer shall dismiss the proceeding. If after presentation of evidence a hearing officer finds that there is reasonable cause to believe that the person specified in the report received under par. (a) or (am) performed an action alleged under par. (a) or (am), the hearing officer shall so find and shall cause the name of the person specified in the report received under par. (a) or (am) to be entered under sub. (4g) (a) 2. and the hearing officer's findings about the person specified in the report received under par. (a) or (am) to be entered under sub. (4g) (a) 3.

(e) The nurse's assistant or home health aide may provide the department with a brief statement disputing the department's findings under par. (b) or the hearing officer's findings under par. (d)

and, if so provided, the department shall enter the statement under sub. (4g) (a) 4.

(em) If the department of health and family services receives a report under par. (a) or (am) and determines that a person who is the subject of the report holds a credential that is related to the person's employment at, or contract with, the entity, the department of health and family services shall refer the report to the department of regulation and licensing.

(er) The department may contract with private field investigators to conduct investigations of reports received by the department under par. (a) or (am).

(f) Section 46.90 does not apply to this subsection.

(5) (a) The department, in consultation with the technical college system board, shall promulgate rules specifying standards for certification in this state of instructional and competency evaluation programs for nurse's assistants, home health aides and hospice aides. The standards shall include specialized training in providing care to individuals with special needs.

(b) The department shall promulgate rules specifying criteria for acceptance by this state of an instructional and competency evaluation program or a competency evaluation program that is certified in another state, including whether the other state grants nurse's assistant privileges, home health aide privileges or hospice aide privileges to persons who have completed instruction in an instructional and competency evaluation program that is certified under sub. (3) and whether one of the following is true:

1. If the other state certifies instructional and competency evaluation programs for nurse's assistants, home health aides or hospice aides, the state's requirements are substantially similar, as determined by the department, to certification requirements in this state.

2. If the other state certifies nurse's assistants, home health aides or hospice aides, that state's requirements are such that one of the following applies:

a. The instructional and competency evaluation programs required for attendance by persons receiving certificates are substantially similar, as determined by the department, to instructional and competency evaluation programs certified under sub. (3).

b. The competency evaluation programs required for successful completion by persons receiving certificates are substantially similar, as determined by the department, to competency evaluation programs approved under sub. (3m).

(6) Any person who violates sub. (2) shall forfeit not more than \$1,000.

(7) This section does not apply to a hospice that receives no federal or state moneys for any purpose.

History: 1987 a. 128; 1989 a. 31, 84, 336; 1991 a. 39; 1993 a. 27, 399; 1995 a. 27; 1997 a. 27, 35, 156, 237, 252; 1999 a. 9, 22, 32; 2001 a. 74.

Cross Reference: See also chs. HFS 13 and 129, Wis. adm. code.

Sub. (4r) provides for a hearing examiner to make a determination of abuse. That determination is the final agency determination. *Kennedy v. DHSS*, 199 Wis. 2d 442, 544 N.W.2d 917 (Ct. App. 1996), 95-1072.

146.50 Emergency medical services personnel; licensure; certification; training. (1) DEFINITIONS. In this section:

(ag) "Act of terrorism" means a felony under ch. 939 to 951 that is committed with intent to terrorize and is committed under any of the following circumstances:

1. The person committing the felony causes bodily harm, great bodily harm, or death to another.

2. The person committing the felony causes damage to the property of another and the total property damaged is reduced in value by \$25,000 or more. For purposes of this subdivision, property is reduced in value by the amount that it would cost either to repair or replace it, whichever is less.

3. The person committing the felony uses force or violence or the threat of force or violence.

as defined in s. 50. 90(1)

TERM SEARCH

nurse's assistant*

Act 20
1/1/06

48.685 (8)

250.042 (4)(a) 3.

49.45 (6m) (am) 1. km.

(b)

49.498 (1) (h)

(c) 12.

(2) (e) 1.

2.

3.

50.01 (2)

50.04 (2)(c) 2. b.

(d) (intro.)

50.065 (8)

50.095 (3)(b)

50.097

146.40 (1)(d)

(2) (intro.)

(a)

(am)

(b)

(bm)

(c)

(d)

(e)

(em)

(g)

(3)

(3m)

(4r) (c)

(5) (a)

(b) (intro.)

1.

2. (intro.)

TERM SEARCH

aide

✓ 49.45 (8)(a) 1.

✓ 4. - Act 20

9421(4) -1539 ^{SEC}

~~Don't~~ ~~hunt~~ ~~so~~ (42)(b)

✓ 49.498 (i)(h)

✓ 50.097

✓ 146.40 (title)

✓ (i) (bm)

✓ (bp)

✓ (2) (intro.)

✓ (a)

✓ (am)

✓ (b)

✓ (c)

✓ (d)

✓ (e)

✓ (3)

✓ (3m)

✓ (fr) (c)

✓ (e)

✓ (5) (a)

✓ (b) (intro.)

✓ 1.

✓ 2. (intro.)

? X 632. 895 (i)(b) 2.

? X (2) (d)

D-NOTE
D-NOTE

TERM SEARCH

"Intermediate care facility" "mentally retarded"

- ✓ 46.275 (5)(b)4.
- ✓ 46.278 (1)
- ✓ (1m) (am)
- ✓ (2) (a)
- ✓ (4) (a)
- ✓ (5) (a)
- ✓ (b) (e) 1. a.
- ✓ b.
- ✓ c.
- ✓ 46.279 (1) (b)
- ✓ 49.45 (30m) (a) 2.
- ✓ 50.04 (2r)
- ✓ 50.14 (1) (a)
- ✓ (b)
- ✓ * Act 20 (2) (intro.)
- ✓ 51.06 (8) (a) 1.
- ✓ (b) (intro.)
- ✓ 4.
- ✓ 7.
- ✓ 51.02 (4)
- ✓ 146.40 (1) (bt)
- ✓ (2) (intro.)
- ✓ (a)
- ✓ (am)
- ✓ (b)
- ✓ (c)
- ✓ (d)
- ✓ (e)
- ✓ (f)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

X ref changes

Repeal 49.45 (8) (a) 1.

Create

2m.

✓ Repeal 146.40 (1) (bm)

(bp)

(2) (am)

(b)

(bm)

(c)

(f)

Create

(2m)

49.45 (8) (a) 1.

(2) (am), 250.042 (4) (a) 3.

"

(2) (am), 250.042 (4) (a) 3.

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✓ Repeal

(4r) (am) 2.

(am) 1., 440.03

(3r)