

Fiscal Estimate Narratives
DHFS 3/7/2008

LRB Number 07-1127/1	Introduction Number SB-548	Estimate Type Original
Description changing the terms home health aide, hospice aide, and nurse's assistant to the term nurse aide; changing requirements for instructional and competency evaluation programs for nurse aides; changing certain requirements for review and investigation of reports of client abuse or neglect; and requiring the exercise of rule-making authority.		

Assumptions Used in Arriving at Fiscal Estimate

This bill makes several technical changes to existing statutory language. These changes are requested by the Department either to reflect current practices and/or to bring Wisconsin statutes in compliance with federal regulations. None will have a fiscal effect on the state or local government.

The following statutory language changes are requested:

1) Effective January 1, 2009, this bill changes the terms "nurse's assistant," "hospice aide," and "home health aide" to "nurse aide."

The Department requested this change because in Wisconsin everyone must train and test as a nurse aide in order to work as a nurse assistant, hospice aide or home health aide. All individuals who successfully complete nurse aide training and testing are placed on the Nurse Aide Registry. There is no fiscal effect associated with this provision.

2) Changes the term "intermediate care facility for the mentally retarded" to "intermediate care facility for persons with mental retardation."

The Department requested this change because the term "intermediate care facility for persons with mental retardation" is the commonly accepted professional term. There is no fiscal effect associated with the change.

3) Changes the term "instructional competency evaluation program" to "instructional program."

Since 2002, the Department has contracted for one, standardized competency evaluation (testing) program for nurse aide training. The Department no longer approves any combined nurse aide training and evaluation programs. There is no fiscal effect associated with this provision; it reflects current practice.

4) Requires that DHFS approve, rather than certify, such programs that meet standards specified by DHFS by rule.

This change was requested to reflect current practice. The Department does not issue a license or certificate to an approved nurse aide training program. Instead, the Department approves these programs via a letter of notification of approval. There is no fiscal effect associated with this provision.

5) DHFS must review the curriculum of each approved instructional program every 24 months, rather than 36 months, after the date of approval.

The Department already reviews the curriculum of every approved instructional program every 24 month. There is no workload increase associated with this provision; there is no fiscal effect associated with this provision.

6) Creates a new classification of caregiver, termed a "feeding assistant." A feeding assistant must successfully complete a state-approved training and testing program to perform one nursing-related duty before being employed by or contracting with a nursing home or intermediate care facility for persons with mental retardation. A nursing home may not use hours of service provided by a feeding assistant in fulfilling certain staffing requirements.

The Department implemented a feeding assistant program in 2003. This change is requested to make

Wisconsin statutes consistent with the federal regulations under 42 CFR 483.35(h)(2). There is no fiscal effect associated with this provision.

7) Eliminates the requirement that a facility, organization, or service that is licensed or certified by or registered with the Department of Health and Family Services (DHFS) report to the Department of Regulation and Licensing (DRL) any allegation, for a person who is credentialed, concerning the misappropriation of property of a client or the neglect or abuse of a client.

Under the proposed change, the Department (DHFS) notifies the Department of Regulation and Licensing (DRL) regarding any allegation, for a person who is credentialed, concerning the misappropriation of property of a client or the neglect or abuse of a client. The Department requests this change because when such violations occur, they occur in DHFS regulated facilities. This has been current practice as of November of 2004. A memorandum of agreement currently exists between the DHFS and DRL in which DHFS agrees to refer all such allegations concerning DRL-credentialed individuals to DRL. There is no fiscal effect associated with the provision as it reflects current practice.

8) Eliminates certain exceptions, by persons who have worked for numerous years as home health aides, hospice aides, or nurse's assistants, to the requirement for successful completion of instructional programs or competency evaluation programs.

When the statute was originally written, it created an exception, which "grandfathered" those who had previously worked many years as a home health aide, hospice aide, or nurse's assistant from the training and testing requirements. Those who wished to apply for this exception due to their work experience must have done so by 1991. Therefore, the conditions under which someone would have applied to be "grandfather" no longer exist. There is no fiscal effect associated with this provision.

Long-Range Fiscal Implications

None.