CHAPTER 456

NURSING HOME ADMINISTRATOR EXAMINING BOARD

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Cross−reference: See definitions in s. 440.01.
Cross−reference: See also NHA, Wis. adm. code.

456.01 Definitions. In this chapter:

(1) "Examining board" means the nursing home administrator examining board.

(2) "Nursing home" has the meaning provided in s. 50.01 (3), plus includes all public medical institutions under ss. 49.70, 49.71 and 49.72.

(3) "Nursing home administrator" means any individual responsible for planning, organizing, directing and controlling the operation of a nursing home, or who in fact performs such functions, whether or not such functions are shared by one or more other persons.

(4) "Practice of nursing home administration" means the planning, organizing, directing and control of the operation of a nursing home.

(5) "Provisional license" is a temporary license issued to a provisional nursing home administrator under this chapter.

(6) "Provisional nursing home administrator" means an individual who has been licensed as such under this chapter.

History: 1975 c. 413 s. 18; 1979 c. 32 s. 92 (1); 1979 c. 124; 1983 a. 189; 1995 a. 27.

456.02 Duties. The examining board shall:

(1) Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously granted by the examining board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

(4) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

(5) Subject to the rules promulgated under s. 440.03 (1), receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the examining board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

(6) In cooperation with other agencies and appropriate organizations, conduct a continuing study of the practice of nursing home administration within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such;

(7) Develop and enforce standards for the supervised practical experience to be required for licensure; and

(8) Appoint such advisory councils as are necessary for the proper and efficient administration of this chapter.

History: 1977 c. 418.
Cross−reference: See also NHA, Wis. adm. code.

456.03 Licenses. An applicant for a license as a nursing home administrator who does all of the following and has successfully complied with any other requirements for licensure under this chapter shall be granted a license by the examining board, certifying that the applicant has met the requirements of the laws and rules entitling the applicant to serve, act, practice, and otherwise hold himself or herself out as a duly licensed nursing home administrator:

(1) Pays the fee under s. 440.05 (1).

(2) Subject to ss. 111.321, 111.322 and 111.335, does not have an arrest or conviction record.

(3) Is 18 years of age.

(4) Completes a regular course of study or equivalent specialized courses or a program of study which the examining board considers adequate academic preparation for nursing home administration.

(5) Passes the examination under s. 456.05.

History: 1975 c. 198; 1979 c. 162; 1991 a. 39; 2013 a. 114 ss. 34, 35, 37 to 40.
Cross−reference: See also chs. NHA 1, 2, 3, and 4, Wis. adm. code.

456.05 Examinations. The examining board shall determine the subjects of examination for applicants for licensure as nursing home administrators, and the scope, content and format of such examinations. The examinations shall include examination of the applicant's knowledge of:

(1) The laws governing the operation of long−term care facilities and the protection of the interests, safety and well−being of the residents therein; and

(2) The elements of proper and effective administration of long−term care facilities; and

(3) The psychological, physical, medical and social needs of persons served in such facilities.

Cross−reference: See also chs. NHA 2 and 3, Wis. adm. code.

456.07 Registration. (1) Every individual who holds a license as a nursing home administrator issued by the department shall biennially apply to the examining board for a new certificate of registration and report any facts requested by the examining board on forms provided for such purpose.

(2) The application for a new certificate of registration shall include the applicable renewal fee determined by the department under s. 440.03 (9) (a) and evidence satisfactory to the examining board that during the biennial period immediately preceding application for registration the applicant has attended a continuing education program or course of study. During the time between initial licensure and commencement of a full 2−year licensure period new licensees shall not be required to meet continuing edu-

cation requirements. All registration fees are payable on or before the applicable renewal date specified under s. 440.08 (2) (a).

(3) Upon approval of an application for registration the examining board shall issue a certificate of registration to the nursing home administrator.

(4) The license of a nursing home administrator who fails to comply with this section, and who continues to act as a nursing home administrator, may be suspended or revoked by the examining board.

(5) Only an individual who has qualified as a licensed and registered nursing home administrator under this chapter and who holds a valid current registration certificate under this section for the current registration period may use the title "Nursing Home Administrator", and the abbreviation "N.H.A." after the person's name. No other person may use or be designated by such title or such abbreviation or any other words, letters, sign, card or device tending to or intended to indicate that the person is a licensed and registered nursing home administrator.

History: 1977 c. 29; 1979 c. 162; 1991 a. 39; 2007 a. 20; 2013 a. 168.

456.08 Reciprocity. The examining board may grant a nursing home administrator license under this chapter to a person who holds a nursing home administrator license issued by the proper authorities of any other state, upon payment of the fee specified in s. 440.05 (2) and upon submission of satisfactory evidence of the person's qualifications.

History: 1977 c. 29; 1991 a. 39.

456.09 Penalties. (1) No person may:

(a) Sell or fraudulently obtain or furnish any license or aid or abet therein; or

(b) Practice as a nursing home administrator, under cover of any license or registration illegally or fraudulently obtained or unlawfully issued; or

(c) Practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that the person is a nursing home administrator unless duly licensed and registered to so practice under this chapter; or

(d) Practice as a nursing home administrator during the time his or her license or registration issued under this chapter is suspended or revoked; or

(e) Otherwise violate this chapter.

(2) Any person who violates sub. (1) may be fined not more than $1,000 or imprisoned for not more than one year in the county jail or both.

History: 1979 c. 162 ss. 35, 38 (7); 1981 c. 314.

456.10 Suspension and revocation. (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may, under sub. (2), revoke, limit or suspend the license or registration of any person practicing or offering to practice nursing home administration or may reprimand, censure or otherwise discipline a licensee under this section if any of the following is applicable:

(a) Proof is submitted that the licensee is unfit or incompetent by reason of negligence, habits or other causes.

(b) Proof is submitted that the licensee has willfully or repeatedly violated this chapter or the rules enacted in accordance with this chapter.

(bm) Proof is submitted that the licensee has willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which the licensee is the administrator.

(c) Proof is submitted that the licensee is guilty of fraud or deceit in his or her admission to the practice of nursing home administration.

(d) Proof is submitted that while the licensee was the administrator of a nursing home, that nursing home engaged in conduct that constituted a pattern of serious violations of federal or state statutes, rules or regulations.

(2) The examining board shall have jurisdiction to hear all charges brought under this section against persons licensed and registered as nursing home administrators or licensed as provisional nursing home administrators and upon such hearings shall determine such charges upon their merits. If the examining board determines that such person is guilty of the charges, the license or registration may be revoked or suspended or the licensee may be reprimanded, censured or disciplined.

History: 1977 c. 418; 1979 c. 355; 1997 a. 237; 1999 a. 85.

Cross−reference: See also ch. NHA 5, Wis. adm. code.

456.11 Restoration of licenses and registrations. (1) The examining board may reinstate a license or registration to any person whose license or registration has been revoked. This subsection does not apply to a license or registration that is revoked under s. 440.12.

(2) Application for the reinstatement of a license or registration shall not be made prior to one year after revocation and shall be made in such manner as the examining board directs. This subsection does not apply to a license or registration that is revoked under s. 440.12.

History: 1997 a. 237.