



2003 ASSEMBLY BILL 16

January 30, 2003 - Introduced by Representatives WASSERMAN, PETTIS, HAHN, HINES, BERCEAU, COLON, HUBER, J. LEHMAN, PLOUFF, SINICKI and TURNER, cosponsored by Senators ROESSLER and HANSEN. Referred to Committee on Aging and Long-Term Care.

1 **AN ACT** *to renumber and amend* 456.08; *to amend* 456.02 (intro.), 456.02 (1),
2 456.02 (2), 456.02 (3), 456.02 (4), 456.02 (5), 456.02 (6), 456.02 (7), 456.07 (5) and
3 456.09 (1) (c); *to repeal and recreate* 456.04 (4); and *to create* 456.04 (5),
4 456.08 (1), (2), (3) and (4) and 456.12 of the statutes; **relating to:** the
5 requirements for examinations for nursing home administrator licenses and for
6 reciprocal nursing home administrator licenses, creating an exemption from
7 such requirements, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes changes to current law regarding the following: 1) the requirements for a nursing home administrator license; 2) the requirements for a reciprocal nursing home administrator license that apply to persons licensed in other states; and 3) the requirement to be licensed as a nursing home administrator.

Requirements for a nursing home administrator license. Under current law, a person must satisfy certain education requirements before he or she is allowed to take the examination for a nursing home administrator license. Specifically, he or she must complete a regular course of study, equivalent specialized courses, or a program of study that is considered adequate academic preparation for nursing home administration by the Nursing Home Administrator Examining Board (examining board). In addition, the examining board is required to develop and

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enforce standards regarding the supervised practical experience that is required for a person to be licensed as a nursing home administrator. A person may satisfy the supervised practical experience requirements before or after taking the examination.

This bill changes the requirements that a person must satisfy before taking the nursing home administrator examination. Under the bill, a person must satisfy certain education and supervised practical experience requirements before he or she can take the examination. Regarding education, the bill requires a person to have either: 1) a bachelor's, master's, or doctoral degree with a health care administration or long-term care major; or 2) a bachelor's degree and completion of a specialized course in nursing home administration. The bill directs the examining board to promulgate rules establishing the supervised practical experience requirements. The rules must require a person to complete at least 2,000 hours in an internship, administrator-in-training program, or other structured program before he or she can take the examination. The 2,000 hours must be completed in any consecutive three-year period within the five-year period immediately preceding the date of application for the examination.

Reciprocal licenses. Under current law, a person who has a nursing home administrator license in another state is eligible for a reciprocal nursing home administrator license if he or she satisfies certain requirements, including submitting satisfactory evidence of the person's qualifications to the examining board. This bill specifies the qualifications that a person must have to be eligible for a reciprocal license. Under the bill, an applicant for such a license must have a bachelor's degree or be certified as a nursing home administrator by the American College of Health Care Administrators and must have practiced as a nursing home administrator in good standing for at least 2,000 hours in any consecutive three-year period within the five-year period immediately preceding the date of application for the reciprocal license. Also, the applicant must not have an arrest or conviction record the circumstances of which substantially relate to nursing home administration. In addition, the person must pass an examination relating to state and federal laws governing the practice of nursing home administration.

Exemption from licensure. Finally, current law prohibits a person from practicing as a nursing home administrator unless he or she is licensed by the examining board. This bill creates an exception for a nursing home administrator of a nursing home operated by adherents of a church or religious denomination, if that church or denomination subscribes to healing by prayer and is opposed to medical treatment.

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

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

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1 **456.02 Duties.** (intro.) The examining board shall do all of the following:

2 **SECTION 2.** 456.02 (1) of the statutes is amended to read:

3 456.02 (1) Develop, impose and enforce standards ~~which must be met by~~
4 ~~individuals that an individual is required to meet~~ in order to receive a license as a
5 nursing home administrator, ~~which.~~ The standards shall be designed to insure
6 ensure that a nursing home administrators ~~will be individuals who are~~
7 administrator is of good character and ~~are,~~ is otherwise suitable, and ~~who,~~ by
8 training or experience in the field of institutional administration, ~~are~~ is qualified to
9 serve as a nursing home administrators; administrator.

10 **SECTION 3.** 456.02 (2) of the statutes is amended to read:

11 456.02 (2) Develop and apply appropriate techniques, including examinations
12 and investigations, for determining whether an individual meets ~~such~~ the
13 standards; under sub. (1).

14 **SECTION 4.** 456.02 (3) of the statutes is amended to read:

15 456.02 (3) Issue licenses to individuals a license to an individual determined,
16 after the application of ~~such~~ the techniques under sub. (2), to meet ~~such~~ the
17 standards under sub. (1), and revoke or suspend licenses a license previously granted
18 by the examining board ~~in any case where~~ if the individual holding any ~~such~~ the
19 license is determined substantially to have failed to conform to the requirements of
20 ~~such~~ the standards;.

21 **SECTION 5.** 456.02 (4) of the statutes is amended to read:

22 456.02 (4) Establish and carry out procedures designed to ~~insure~~ ensure that
23 individuals licensed as nursing home administrators will, ~~during any period that~~
24 ~~they serve as such,~~ comply with the requirements of ~~such~~ the standards; under sub.
25 (1).

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1 **SECTION 6.** 456.02 (5) of the statutes is amended to read:

2 456.02 (5) Subject to the rules promulgated under s. 440.03 (1), receive,
3 investigate, and take appropriate action with respect to, any charge or complaint
4 filed with the examining board to the effect that any individual licensed as a nursing
5 home administrator has failed to comply with the requirements of ~~such~~ the
6 standards; under sub. (1).

7 **SECTION 7.** 456.02 (6) of the statutes is amended to read:

8 456.02 (6) In cooperation with other agencies and appropriate organizations,
9 conduct a continuing study of the practice of nursing home administration within the
10 state with a view to the improvement of the standards imposed for the licensing of
11 ~~such~~ nursing home administrators and of procedures and methods for the
12 enforcement of ~~such~~ the standards under sub. (1) with respect to nursing home
13 administrators of ~~nursing homes~~ who have been licensed as ~~such~~; under this chapter.

14 **SECTION 8.** 456.02 (7) of the statutes is amended to read:

15 456.02 (7) ~~Develop and enforce standards for the~~ Promulgate rules
16 establishing supervised practical experience to be required requirements that an
17 individual shall satisfy before being allowed to take an examination for licensure;
18 and as a nursing home administrator. The rules shall require the individual to
19 complete at least 2,000 hours in any consecutive 3-year period within the 5-year
20 period immediately preceding the date of application for examination in an
21 internship, administrator-in-training program, or any other structured program
22 approved by the examining board.

23 **SECTION 9.** 456.04 (4) of the statutes is repealed and recreated to read:

24 456.04 (4) Has one of the following:

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1 (a) A bachelor's, master's, or doctoral degree with a major in health care
2 administration or long-term care from an accredited college or university.

3 (b) A bachelor's degree in any field from an accredited college or university and
4 completion of a specialized course that the examining board determines is adequate
5 preparation for nursing home administration.

6 **SECTION 10.** 456.04 (5) of the statutes is created to read:

7 456.04 (5) Satisfies the supervised practical experience requirements specified
8 in the rules promulgated under s. 456.02 (7).

9 **SECTION 11.** 456.07 (5) of the statutes is amended to read:

10 456.07 (5) Only Except as provided in s. 456.12, only an individual who has
11 qualified as a licensed and registered nursing home administrator under this
12 chapter and who holds a valid current registration certificate under this section for
13 the current registration period may use the title "Nursing Home Administrator", and
14 the abbreviation "N.H.A." after the person's name. No other person may use or be
15 designated by such title or such abbreviation or any other words, letters, sign, card
16 or device tending to or intended to indicate that the person is a licensed and
17 registered nursing home administrator.

18 **SECTION 12.** 456.08 of the statutes is renumbered 456.08 (intro.) and amended
19 to read:

20 **456.08 Reciprocity.** (intro.) The examining board may grant a nursing home
21 administrator license under this chapter to a person an applicant who holds a
22 current nursing home administrator license issued by the proper authorities of any
23 other state or licensing jurisdiction, upon payment of the fee specified in s. 440.05 (2)
24 and upon submission of satisfactory evidence of the person's qualifications. evidence
25 satisfactory to the examining board that the applicant satisfies each of the following:

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1 **SECTION 13.** 456.08 (1), (2), (3) and (4) of the statutes are created to read:

2 456.08 (1) The applicant has a bachelor’s degree in any field or holds a current
3 certification as a nursing home administrator granted by the American College of
4 Health Care Administrators.

5 (2) The applicant has practiced as a nursing home administrator in good
6 standing for at least 2,000 hours in any consecutive 3-year period within the 5-year
7 period immediately preceding the date of application.

8 (3) Subject to ss. 111.321, 111.322, and 111.335, the applicant does not have an
9 arrest or conviction record.

10 (4) The applicant has passed an examination approved by the examining board
11 relating to state and federal laws governing the practice of nursing home
12 administration.

13 **SECTION 14.** 456.09 (1) (c) of the statutes is amended to read:

14 456.09 (1) (c) ~~Practice~~ Except as provided in s. 456.12, practice as a nursing
15 home administrator or use in connection with his or her name any designation
16 tending to imply that the person is a nursing home administrator unless duly
17 licensed and registered to so practice under this chapter; or

18 **SECTION 15.** 456.12 of the statutes is created to read:

19 **456.12 Exemption.** This chapter does not apply to a nursing home
20 administrator of a nursing home operated by adherents of a church or religious
21 denomination which subscribes to the act of healing by prayer and the principles of
22 which are opposed to medical treatment.

23 **SECTION 16. Initial applicability.**

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1 (1) The renumbering and amendment of section 456.08 of the statutes and the
2 creation of section 456.08 (1), (2), (3), and (4) of the statutes first apply to applications
3 received on the effective date of this subsection.

4 **SECTION 17. Effective dates.** This act takes effect on the first day of the 7th
5 month beginning after publication, except as follows:

6 (1) The treatment of section 456.02 (7) of the statutes takes effect on the day
7 after publication.

8 (END)