

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2559/1dn
MDK:wlj:ch

May 14, 2001

Representative Johnsrud:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. Like the definition of "nursing home" under current law, the bill defines "hospital" by using a definition in ch. 50, stats. Is it okay?
2. Do you want to create any exemptions from the requirement to be licensed as a hospital administrator? Also, I haven't researched this issue, but I wonder whether it is permissible for the state to require an administrator of a federal hospital (such as a VA hospital) to be licensed. Perhaps it could be argued, under the principle of federalism, that the state can't impose such a requirement on the federal government. I'm not sure whether this is a significant issue, but I want to bring it to your attention. Please let me know whether you want me to look into the issue.
3. The bill treats hospital and nursing home administrators as similarly as possible. However, based on your instructions, the bill requires a bachelor's degree in hospital administration (or the equivalent) for a hospital administrator license. In contrast, a bachelor's degree is not specifically required for a nursing home administrator license. Instead, the education that is required is left entirely up to the board. Is that okay? Also, an examination for a hospital administrator license must test knowledge of the requirements and procedures of federal and state health care reimbursement programs. Do you want examinations for nursing home administrator licenses to include a similar test? In addition, a hospital administrator license may be renewed only if the applicant has completed 24 hours of continuing education during the previous two years. No minimum hours are specified for renewal of a nursing home administrator license. Is that okay?
4. The bill requires the board to promulgate rules establishing a code of ethics for hospital and nursing home administrators. I added this requirement because your instructions state that hospital administrators should abide by a standard of conduct. It is common for other statutes that regulate professionals to require a board to promulgate rules establishing a code of ethics, so I did the same thing in this bill. Is that okay? Also, I assume that the board should establish a code for both hospital and nursing home administrators.

5. The instructions provide that specific work experience should be required for a hospital administrator license. Note that under s. 456.02 (7), stats., which the bill does not affect, the examining board must develop and enforce standards for supervised practical experience that are required for licensure. I think that this requirement should address your concern on work experience. If you want something more specific, please let me know.

6. In the nonstatutory provisions of the bill, I allow a person who is not licensed as a hospital administrator to be appointed as a member of the board. The reason is that, when the bill goes into effect, no one will be licensed as a hospital administrator. People will only be licensed as hospital administrators only after the board, with its new members, begins to issue such licenses. Therefore, it is not possible to require that the initial hospital administrator members of the board be licensed as hospital administrators. What the bill requires instead is that such a member must be primarily employed as a hospital administrator when appointed to the board. You could impose more stringent requirements, such as, for example, that the person has been primarily employed as a hospital administrator for a specified number of years immediately preceding the appointment. Let me know what you think.

7. On a point related to item 6, note that a person may get the educational requirement waived for a limited period (i.e., five years) if he or she is primarily employed as a hospital administrator on the effective date of the bill. See proposed s. 456.072 (1). Do you want to impose a more stringent requirement, such as requiring that the person be employed for a specified number of years before the effective date of the bill?

8. In adding provisions dealing with hospital administrators to ch. 456, stats., I took the opportunity to make some changes to that chapter to conform to our current drafting style. However, I assume that you want to make minimal changes to current law regarding nursing home administrators, so I didn't completely rewrite the chapter to conform to our current drafting style.

9. Sections 46.21 (1m) (am) and 59.79 (10), stats., allow counties to employ administrators of county hospitals. The bill amends these provisions so that it is clear that a county may only employ a person who is licensed under the bill.

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