

D-NOTE

SOON

2001 BILL

1 *Regenerate*
 AN ACT *to renumber and amend* 15.405 (7m); *to amend* 15.08 (1m) (b), 46.21
 2 (1m) (am), 50.04 (2) (a), 59.79 (10), chapter 456 (title), 456.01 (1), 456.01 (4),
 3 456.01 (5), 456.02 (1), 456.02 (4), 456.02 (5), 456.02 (6), 456.03, 456.04 (intro.),
 4 456.04 (4), 456.05 (intro.), 456.05 (1), 456.05 (2), 456.05 (3), 456.07 (1), 456.07
 5 (2), 456.07 (3), 456.07 (4), 456.08, 456.09 (1) (b), 456.09 (1) (c), 456.09 (1) (d),
 6 456.09 (1) (e), 456.10 (1) (intro.), 456.10 (1) (bm), 456.10 (1) (c), 456.10 (1) (d) and
 7 456.10 (2); and *to create* 15.405 (7m) (a) 2., 440.08 (2) (a) 38k., 456.01 (1g),
 8 456.01 (1r), 456.01 (3m), 456.01 (5m), 456.04 (5), 456.05 (4), 456.07 (2m), 456.07
 9 (6), 456.072 and 456.078 of the statutes; **relating to:** licensing hospital
 10 administrators and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, a person may not practice as a nursing home administrator, or use such a title, unless he or she is granted a license by the nursing home administrator examining board (board). To obtain a license, a person must pass an examination regarding the laws governing long-term care facilities, the administration of such facilities, and the needs of persons served by the facilities.

BILL

INSERT 2A

A person may not take the examination unless he or she satisfies educational requirements that the board considers are adequate preparation for nursing home administration. In addition, a person may not take the examination if he or she has an arrest or conviction record the circumstances of which substantially relate to nursing home administration.

Also under current law, a nursing home administrator license expires on July 1 of each even-numbered year, unless the license is renewed. To renew a license, a person must apply to the board for a certificate of registration. In addition, the board may take disciplinary action against a person who is licensed, including suspending or revoking a license, if he or she engages in specified prohibited conduct. For example, the board may take disciplinary action if a person is incompetent or acts in a manner inconsistent with the health and safety of the residents of a nursing home, or if the nursing home that he or she administers has a pattern of serious violations of federal or state laws.

This bill requires the board to also grant licenses to hospital administrators and changes the name of the board to the hospital and nursing home administrator examining board. Under the bill, a person may not practice as a hospital administrator, or use such a title, unless he or she is licensed as a hospital administrator by the board. The requirements for obtaining and renewing a hospital administrator license are similar to the requirements for a nursing home administrator license. For example, a person must pass an examination regarding the laws governing hospitals, the administration of hospitals, and the needs of patients served by hospitals. ~~However, unlike the nursing home administrator examination, the hospital administrator examination must also test knowledge of federal and state health care reimbursement programs.~~

In addition, the bill requires both

hospital and

5

The bill also imposes similar requirements that a person must satisfy to take the hospital administrator examination. Like the nursing home administrator examination, a person may not take the hospital administrator examination if he or she has an arrest or conviction record the circumstances of which substantially relate to hospital administration. ~~However, the educational requirements are different.~~

In addition,

~~Under the bill,~~ a person may not take the hospital administrator examination unless he or she ^{has} received a bachelor's degree in hospital administration or has completed an educational program that the board determines is substantially equivalent to receiving such a degree. For a limited time, the board must waive this educational requirement for a person who is primarily employed as a hospital administrator on the effective date of the bill. Until five years after the bill goes into effect, such a person may take the examination even if he or she does not satisfy the educational requirement. However, when a person who receives a waiver applies to renew his or her license that expires on July 1, 2008, the person must submit evidence that he or she satisfies the educational requirement. If the person does not satisfy the educational requirement by that date, his or her license may not be renewed, and he or she may not continue to practice as a hospital administrator.

In addition, the bill makes the following changes:

1. The bill requires a person who applies to renew a hospital administrator license to submit evidence that he or she completed at least 24 hours of continuing

INSERT 2B

BILL

education during the preceding two-year period. Although current law requires a nursing home administrator to complete continuing education requirements, current law does not specify a minimum number of hours.

2. The bill requires the board to promulgate rules establishing a code of ethics governing the professional conduct of hospital and nursing home administrators. The rules may establish separate codes for each profession.

3. The bill allows the board to grant hospital administrator licenses to persons licensed as hospital administrators in other states. The board has similar authority under current law with respect to nursing home administrator licenses.

4. The board's authority to take disciplinary action is expanded so that the board may also take such action against persons licensed as hospital administrators. Therefore, for example, the board may take disciplinary action if a hospital administrator is incompetent or acts in a manner inconsistent with the health and safety of the patients in a hospital, or if the hospital that he or she administers has a pattern of serious violations of federal or state laws.

5. The bill changes the membership of the board, which consists of the following members under current law: five nursing home administrators, two public members, one physician, one nurse, and, as a nonvoting member, the secretary of health and family services or his or her designee. This bill eliminates two of the nursing home administrators and replaces them with three hospital administrators.

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:

1 SECTION 1. 15.08 (1m) (b) of the statutes is amended to read:
 2 15.08 (1m) (b) The public members of the chiropractic examining board, the
 3 dentistry examining board, the hearing and speech examining board, the medical
 4 examining board, the respiratory care practitioners examining council ~~and, the~~
 5 council on physician assistants, the board of nursing, the hospital and nursing home
 6 administrator examining board, the veterinary examining board, the optometry
 7 examining board, the pharmacy examining board, the examining board of social
 8 workers, marriage and family therapists and professional counselors, and the
 9 psychology examining board shall not be engaged in any profession or occupation
 10 concerned with the delivery of physical or mental health care.

BILL

1 SECTION 2. 15.405 (7m) of the statutes is renumbered 15.405 (7m) (a) (intro.)
2 and amended to read:

3 15.405 (7m) (a) (intro.) ~~NURSING~~ HOSPITAL AND NURSING HOME ADMINISTRATOR
4 EXAMINING BOARD. There is created a hospital and nursing home administrator
5 examining board in the department of regulation and licensing consisting of 9
6 ~~members appointed for staggered 4-year terms and the secretary of health and~~
7 ~~family services or a designee, who shall serve as a nonvoting member. Five, and the~~
8 following members appointed for 4-year terms:

9 1. Three members shall be who are nursing home administrators licensed in
10 this state under ch. 456.

11 3. One member shall be who is a physician.

12 4. One member shall be who is a nurse licensed under ch. 441.

13 5. Two public members shall be ~~public members~~.

14 (b) No more than 2 members appointed under par. (a) 1. to 5. may be officials
15 or full-time employees of this state.

16 SECTION 3. 15.405 (7m) (a) 2. of the statutes is created to read:

17 15.405 (7m) (a) 2. Three members who are hospital administrators licensed
18 under ch. 456.

19 SECTION 4. 46.21 (1m) (am) of the statutes is amended to read:

20 46.21 (1m) (am) The county executive shall appoint under ss. 63.01 to 63.17
21 an administrator of the county hospital. The appointment shall be made on the basis
22 of recognized and demonstrated public interest in and knowledge of the problems of
23 delivery of medical care and treatment, and with due regard to training, experience,
24 executive and administrative ability and efficiency, and general qualifications and
25 fitness for performing the duties of the office. An administrator may not be appointed

BILL

1 under this paragraph unless he or she is licensed as a hospital administrator under
2 ch. 456. The administrator shall file an official oath and bond in the amount
3 determined by the county board of supervisors. The county board of supervisors may
4 create positions to assist the administrator. The administrator shall be appointed
5 by the county executive in the unclassified civil service, and the appointment is
6 subject to confirmation by the county board of supervisors under s. 59.17 (2) (bm).

7 **SECTION 5.** 50.04 (2) (a) of the statutes is amended to read:

8 50.04 (2) (a) No nursing home within the state may operate except under the
9 supervision of an administrator licensed under ch. 456 by the hospital and nursing
10 ~~home administrators~~ administrator examining board. If the holder of a nursing
11 home license is unable to secure a new administrator because of the departure of an
12 administrator, such license holder may, upon written notice to the department and
13 upon the showing of a good faith effort to secure a licensed administrator, place the
14 nursing home in the charge of an unlicensed individual subject to conditions and
15 time limitations established by the department, with advice from the hospital and
16 nursing home administrator examining board. An unlicensed individual who
17 administers a nursing home as authorized under this subsection is not subject to the
18 penalty provided under s. 456.09.

19 **SECTION 6.** 59.79 (10) of the statutes is amended to read:

20 59.79 (10) COUNTY HOSPITAL. Determine policy for the operation, maintenance,
21 and improvement of the county hospital under s. 49.71 (2) and, notwithstanding the
22 powers and duties specified under s. 46.21 (2) (k), (3r), and (6) with respect to the
23 county hospital and the administrator and specified under s. 46.21 (2) (b), (L), (m),
24 (n), (nm), (o), (p), and (q) and (3g), provide for the management of the county hospital
25 as the board considers appropriate, except that the employee positions at the

BILL

1 hospital will be county employee positions and except that the board may not employ
2 a person as a hospital administrator unless he or she is licensed as such under ch.
3 456. If the board acts under this subsection, the board may not discontinue
4 operation, maintenance, and improvement of the county hospital under s. 49.71 (2)
5 and shall exercise the duties under s. 46.21 (4m). This subsection does not apply if
6 the board acts under s. 46.21 with respect to the county hospital under s. 49.71 (2).

7 **SECTION 7.** 440.08 (2) (a) 38k. of the statutes is created to read:

8 440.08 (2) (a) 38k. Hospital administrator: July 1 of each even-numbered year;

9 ~~46.~~ 53

10 **SECTION 8.** Chapter 456 (title) of the statutes is amended to read:

CHAPTER 456

HOSPITAL AND NURSING HOME

ADMINISTRATOR EXAMINING BOARD

14 **SECTION 9.** 456.01 (1) of the statutes is amended to read:

15 456.01 (1) "Examining board" means the hospital and nursing home
16 administrator examining board.

17 **SECTION 10.** 456.01 (1g) of the statutes is created to read:

18 456.01 (1g) "Hospital" has the meaning given in s. 50.33 (2).

19 **SECTION 11.** 456.01 (1r) of the statutes is created to read:

20 456.01 (1r) "Hospital administrator" means any individual responsible for
21 planning, organizing, directing, and controlling the operation of a hospital, or who
22 in fact performs such functions, whether or not such functions are shared by one or
23 more other persons.

24 **SECTION 12.** 456.01 (3m) of the statutes is created to read:

BILL

1 456.01 (3m) “Practice of hospital administration” means the planning,
2 organizing, directing, and controlling of the operation of a hospital.

3 **SECTION 13.** 456.01 (4) of the statutes is amended to read:

4 456.01 (4) “Practice of nursing home administration” means the planning,
5 organizing, directing, and ~~control~~ controlling of the operation of a nursing home.

6 **SECTION 14.** 456.01 (5) of the statutes is amended to read:

7 456.01 (5) “Provisional license” is a temporary license issued to a provisional
8 hospital or nursing home administrator under this chapter.

9 **SECTION 15.** 456.01 (5m) of the statutes is created to read:

10 456.01 (5m) “Provisional hospital administrator” means an individual who has
11 been licensed as such under this chapter.

12 **SECTION 16.** 456.02 (1) of the statutes is amended to read:

13 456.02 (1) Develop, impose, and enforce standards which must be met by
14 individuals ~~in order~~ to receive a license as a hospital or nursing home administrator,
15 which standards shall be designed to insure that hospital or nursing home
16 administrators will be individuals who are of good character and are otherwise
17 suitable, and who, by training or experience in the field of institutional
18 administration, are qualified to serve as hospital or nursing home administrators;

19 **SECTION 17.** 456.02 (4) of the statutes is amended to read:

20 456.02 (4) Establish and carry out procedures designed to insure that
21 individuals licensed as hospital or nursing home administrators will, during any
22 period that they serve as such, comply with the requirements of such standards;

23 **SECTION 18.** 456.02 (5) of the statutes is amended to read:

24 456.02 (5) Subject to the rules promulgated under s. 440.03 (1), receive,
25 investigate, and take appropriate action with respect to, any charge or complaint

BILL

1 filed with the examining board to the effect that any individual licensed as a hospital
2 or nursing home administrator has failed to comply with the requirements of such
3 standards;

4 **SECTION 19.** 456.02 (6) of the statutes is amended to read:

5 456.02 (6) In cooperation with other agencies and appropriate organizations,
6 conduct a continuing study of the practice of hospital and nursing home
7 administration within the state with a view to the improvement of the standards
8 imposed for the licensing of such administrators and of procedures and methods for
9 the enforcement of such standards with respect to administrators of hospitals or
10 nursing homes who have been licensed as such;

11 **SECTION 20.** 456.03 of the statutes is amended to read:

12 **456.03 Licenses.** An applicant for a license as a hospital or nursing home
13 administrator who has successfully complied with the requirements for licensure
14 under this chapter and passed the examination shall be granted a license by the
15 examining board, certifying that the applicant, depending on the license granted,
16 has met the requirements of the laws and rules entitling the applicant to serve, act,
17 practice, and otherwise hold himself or herself out as a duly licensed hospital or
18 nursing home administrator.

19 **SECTION 21.** 456.04 (intro.) of the statutes is amended to read:

20 **456.04 Examination requirements.** (intro.) The examining board shall
21 allow any person to take the examination for licensure as a hospital or nursing home
22 administrator who satisfies all of the following requirements:

23 **SECTION 22.** 456.04 (4) of the statutes is ~~amended to read:~~ ^{repealed.}

24 ~~456.04 (4) Completes For a nursing home administrator license, completes a~~
25 ~~regular course of study or equivalent specialized courses or a program of study which~~

change component

repealed.

BILL

1 ~~that the examining board considers adequate academic preparation for nursing~~
2 ~~home administration.~~

3 SECTION 23. 456.04 (5) of the statutes is created to read:

4 456.04 (5) Except as provided in s. 456.072 (1), ^{depending on the license applied for,} ~~for a hospital administrator~~

5 ~~licensee~~ received a bachelor's degree in hospital ^{or nursing home} administration or has completed an
6 educational program that the examining board determines is substantially
7 equivalent to receiving a bachelor's degree in hospital ^{or nursing home} administration.

8 SECTION 24. 456.05 (intro.) of the statutes is amended to read:

9 **456.05 Examinations.** (intro.) The examining board shall determine the
10 subjects of examination for applicants for licensure as hospital or nursing home
11 administrators, and the scope, content, and format of such examinations. The
12 Depending on the license applied for, the examinations shall include examination of
13 the applicant's knowledge of each of the following:

14 SECTION 25. 456.05 (1) of the statutes is amended to read:

15 456.05 (1) The laws governing the operation of hospitals or long-term care
16 facilities and the protection of the interests, safety, and well-being of the patients or
17 residents therein; and.

18 SECTION 26. 456.05 (2) of the statutes is amended to read:

19 456.05 (2) The elements of proper and effective administration of hospitals or
20 long-term care facilities; and.

21 SECTION 27. 456.05 (3) of the statutes is amended to read:

22 456.05 (3) The psychological, physical, medical, and social needs of persons
23 served in such hospitals or long-term care facilities.

24 SECTION 28. 456.05 (4) of the statutes is created to read:

BILL

1 456.05 (4) ~~For a hospital administrator license~~ the requirements and
2 procedures of federal and state health care reimbursement programs.

3 SECTION 29. 456.07 (1) of the statutes is amended to read:

4 456.07 (1) Every individual who holds a license as a hospital or nursing home
5 administrator issued by the department shall biennially apply to the examining
6 board for a new certificate of registration and report any facts requested by the
7 examining board on forms provided for such purpose.

8 SECTION 30. 456.07 (2) of the statutes is amended to read:

9 456.07 (2) The application for a new certificate of registration shall include the
10 applicable renewal fee specified under s. 440.08 (2) (a) and, except as provided in sub.
11 (2m) and s. 456.072 (2), evidence satisfactory to the examining board that during the
12 biennial period immediately preceding application for registration the applicant has
13 attended a ~~continuation~~ continuing education program or course of study. During
14 the time between initial licensure and commencement of a full 2-year licensure
15 period new licensees shall not be required to meet continuing education
16 requirements. All registration fees are payable on or before the applicable renewal
17 date specified under s. 440.08 (2) (a).

18 SECTION 31. 456.07 (2m) of the statutes is created to read:

19 456.07 (2m) The examining board may not issue a certificate of registration
20 under sub. (3) to an applicant for renewal of a hospital administrator license unless
21 the applicant submits evidence satisfactory to the examining board that he or she has
22 completed at least 24 hours of continuing education programs or courses of study
23 during the biennial period immediately preceding the application.

24 SECTION 32. 456.07 (3) of the statutes is amended to read:

BILL

Except as provided in s. 456.12,

1 456.07 (3) Upon approval of an application for registration the examining
2 board shall issue a certificate of registration to the hospital or nursing home
3 administrator.

4 **SECTION 33.** 456.07 (4) of the statutes is amended to read:

5 456.07 (4) The license of a hospital or nursing home administrator who fails
6 to comply with this section, and who continues to act as a hospital or nursing home
7 administrator, may be suspended or revoked by the examining board.

8 **SECTION 34.** 456.07 (6) of the statutes is created to read:

9 456.07 (6) Only an individual who has qualified as a licensed and registered
10 hospital administrator under this chapter and who holds a valid current registration
11 certificate under this section for the current registration period may use the title
12 "Hospital Administrator" and the abbreviation "H.A." after the person's name. No
13 other person may use or be designated by such title or such abbreviation or any other
14 words, letters, sign, card, or device tending to or intended to indicate that the person
15 is a licensed and registered hospital administrator.

16 **SECTION 35.** 456.072 of the statutes is created to read:

17 **456.072 Educational waiver for hospital administrators.** (1) If a person
18 takes the examination for licensure as a hospital administrator before the first day
19 of the 60th month beginning after the effective date of this subsection [revisor
20 inserts date], the examining board shall waive the requirement under s. 456.04 (5)
21 if the person submits evidence satisfactory to the examining board that, on the
22 effective date of this subsection [revisor inserts date], the person was primarily
23 employed as a hospital administrator.

24 (2) The examining board may not renew a hospital administrator license that
25 expires on July 1, 2008, of a person who receives a waiver under sub. (1) unless that

BILL**SECTION 35**

1 person submits evidence satisfactory to the examining board, in addition to the
2 evidence specified in s. 456.07 (2), that the person has received a bachelor's degree
3 in hospital administration or has completed an educational program that the
4 examining board determines is substantially equivalent to receiving a bachelor's
5 degree in hospital administration.

6 **SECTION 36.** 456.078 of the statutes is created to read:

7 **456.078 Code of ethics.** The examining board shall promulgate rules
8 establishing a code of ethics to govern the professional conduct of hospital and
9 nursing home administrators. The rules may establish separate codes for hospital
10 and nursing home administrators.

11 **SECTION 37.** 456.08 of the statutes is amended to read:

12 **456.08 Reciprocity.** The examining board may grant a hospital or nursing
13 home administrator license under this chapter to a person who holds a hospital or
14 nursing home administrator license issued by the proper authorities of any other
15 state, upon payment of the fee specified in s. 440.05 (2) and upon submission of
16 satisfactory evidence of the person's qualifications.

17 **SECTION 38.** 456.09 (1) (b) of the statutes is amended to read:

18 456.09 (1) (b) Practice as a hospital or nursing home administrator, under cover
19 of any license or registration illegally or fraudulently obtained or unlawfully issued;
20 or

21 **SECTION 39.** 456.09 (1) (c) of the statutes is amended to read:

22 456.09 (1) (c) ~~Practice~~ as a hospital or nursing home administrator or use in
23 connection with his or her name any designation tending to imply that the person
24 is a hospital or nursing home administrator unless duly licensed and registered to
25 so practice under this chapter; or

Except as provided in s. 456.12, practice

BILL

1 **SECTION 40.** 456.09 (1) (d) of the statutes is amended to read:

2 456.09 (1) (d) Practice as a hospital or nursing home administrator during the
3 time his or her license or registration issued under this chapter is suspended or
4 revoked; or

5 **SECTION 41.** 456.09 (1) (e) of the statutes is amended to read:

6 456.09 (1) (e) Otherwise violate this chapter or a rule promulgated under this
7 chapter.

8 **SECTION 42.** 456.10 (1) (intro.) of the statutes is amended to read:

9 456.10 (1) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
10 examining board may, under sub. (2), revoke, limit, or suspend the license or
11 registration of any person practicing or offering to practice hospital or nursing home
12 administration or may reprimand, censure, or otherwise discipline a licensee under
13 this section if any of the following is applicable:

14 **SECTION 43.** 456.10 (1) (bm) of the statutes is amended to read:

15 456.10 (1) (bm) Proof is submitted that the licensee has ~~wilfully~~ willfully or
16 repeatedly acted in a manner inconsistent with the health and safety of the patients
17 or residents of the hospital or nursing home in which the licensee is the
18 administrator.

19 **SECTION 44.** 456.10 (1) (c) of the statutes is amended to read:

20 456.10 (1) (c) Proof is submitted that the licensee is guilty of fraud or deceit in
21 his or her admission to the practice of hospital or nursing home administration.

22 **SECTION 45.** 456.10 (1) (d) of the statutes is amended to read:

23 456.10 (1) (d) Proof is submitted that while the licensee was the administrator
24 of a hospital or nursing home, that hospital or nursing home engaged in conduct that

BILL

INSEPT 14-10

1 constituted a pattern of serious violations of federal or state statutes, rules, or
2 regulations.

3 **SECTION 46.** 456.10 (2) of the statutes is amended to read:

4 456.10 (2) The examining board shall have jurisdiction to hear all charges
5 brought under this section against persons licensed and registered as hospital or
6 nursing home administrators or licensed as provisional hospital or nursing home
7 administrators and upon such hearings shall determine such charges upon their
8 merits. If the examining board determines that such person is guilty of the charges,
9 the license or registration may be revoked or suspended or the licensee may be
10 reprimanded, censured, or disciplined.

11 **SECTION 47. Nonstatutory provisions.**

12 (1) In this section, "board" means the hospital and nursing home administrator
13 examining board.

14 (2) Notwithstanding section 17.07 (3) of the statutes, the governor shall, no
15 later than the first day of the 4th month beginning after the effective date of this
16 subsection, designate for removal from the board 2 of the nursing home
17 administrator members whose terms otherwise expire on July 1, 2006, and the terms
18 of the 2 members who are so designated shall expire on the first day of the 7th month
19 beginning after the effective date of this subsection.

20 (3) Notwithstanding section 15.405 (7m) (a) of the statutes, as affected by this
21 act, the initial hospital administrator members of the board shall be appointed by the
22 first day of the 7th month beginning after the effective date of this subsection for the
23 following terms:

24 (a) One member for a term expiring on July 1, 2005.

25 (b) One member for a term expiring on July 1, 2006.

BILL

1 (c) One member for a term expiring on July 1, 2007.

2 (4) Notwithstanding section 15.405 (7m) (a) 2. of the statutes, as created by this
3 act, an initial hospital administrator member of the board appointed under
4 subsection (3) is not required to be licensed as hospital administrator under chapter
5 456 of the statutes if the individual was, at the time of appointment, primarily
6 employed as a hospital administrator, as defined in section 456.01 (1r) of the
7 statutes, as created by this act.

8 **SECTION 48. Effective dates.** This act takes effect on the first day of the 7th
9 month beginning after publication, except as follows:

10 (1) SECTION 47 of this act takes effect on the day after publication.

11 (END)

↑
INSERT
15-7

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2559/2ins
MDK:.....

1
2
3
4
5
6
7
8
9
10
11

INSERT 2A:

except for a hospital administrator employed by the federal government,
INSERT 2B:

~~¶~~ Also, the bill changes the educational requirements for a nursing home administrator license. Under the bill, a person may not take the examination for that license unless he or she has received a bachelor's degree in nursing home administration or has completed an educational program that the board determines is substantially equivalent to receiving such a degree.

INSERT 14-10:

~~X~~
SECTION 1. 456.12 of the statutes is created to read:

456.12 Exemption. This chapter does not apply to a person employed as a hospital administrator by the federal government.

INSERT 15-7:

SECTION 2. Initial applicability.

~~(*)~~ The treatment of sections 456.04 (4) and (5) and 456.05 (4) of the statutes first applies to examinations for which an application to take the examination is received on the effective date of this subsection.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2559/2dn
MDK:hmk

Date

Representative Johnsrud:

This version is identical to the previous version, except for the following:

1. Federal hospital administrators are exempt. I am trying to determine how DRL treats federal nursing home administrators, if there are any. If it turns out that federal nursing home administrators are not exempt, then, for the sake of consistency, you can revise this bill and eliminate the exemption for federal hospital administrators. ✓
2. An applicant for a nursing home administrator license must have a bachelor's degree in nursing home administration, or have completed a substantially equivalent course of study, as determined by the board. In addition, the examination for both types of licenses must test knowledge of federal and state health care reimbursement programs.
3. The renewal fee for a hospital administrator license is \$53, not \$56. This change is consistent with changes made in the budget act.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2559/2dn
MDK:hmh:kjf

November 7, 2001

Representative Johnsrud:

This version is identical to the previous version, except for the following:

1. Federal hospital administrators are exempt. I am trying to determine how DRL treats federal nursing home administrators, if there are any. If it turns out that federal nursing home administrators are not exempt, then, for the sake of consistency, you can revise this bill and eliminate the exemption for federal hospital administrators.
2. An applicant for a nursing home administrator license must have a bachelor's degree in nursing home administration, or have completed a substantially equivalent course of study, as determined by the board. In addition, the examination for both types of licenses must test knowledge of federal and state health care reimbursement programs.
3. The renewal fee for a hospital administrator license is \$53, not \$56. This change is consistent with changes made in the budget act.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

Kunkel, Mark

From: Konopacki, Larry
Sent: Tuesday, November 27, 2001 4:44 PM
To: Kunkel, Mark
Subject: FW: Your questions

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

From: Sweet, Richard
Sent: Friday, November 16, 2001 3:14 PM
To: Konopacki, Larry
Subject: FW: Your questions

Larry,

This is Sybil Better's response to your question on health administration programs offered by UW.

I looked at the bill draft and maybe you want to use a phrase such as "bachelor's degree in administration of health care facilities or programs". You may also want to keep the "substantially equivalent" language to give the examining board some leeway. ✓

Dick,

We have a non-residential program in administrative medicine that is in the process of being phased out. It's a Medical School program for health professionals such as physicians. For further information about the program, go to <http://www.medsch.wisc.edu/adminmed/>. Consideration is being given to re-creating a similar program in the Business School. However, decisions such as these are on hold pending the appointment of a new Dean of the Business School (which should happen in the near future.

Let me know if you need any additional information.

Sybil

Kunkel, Mark

From: Konopacki, Larry
Sent: Tuesday, November 27, 2001 5:28 PM
To: Kunkel, Mark
Subject: one more change

Mark, re the Hospital administrator licensure bill:2559/2

One more change: please change the composition of the board so that two nurses are appointed to it, one from a nursing home, and one from a hospital. This should create a odd-number of board members, too. Thanks!

Larry Konopacki
Office of State Representative DuWayne Johnsrud
608-266-3534

3

SKYS

O-NOTE

2001 BILL

RM NOT
RUN

By Mrs.
12/6

Regenerate

1 AN ACT *to repeal* 456.04 (4); *to renumber and amend* 15.405 (7m); *to amend*
2 15.08 (1m) (b), 46.21 (1m) (am), 50.04 (2) (a), 59.79 (10), chapter 456 (title),
3 456.01 (1), 456.01 (4), 456.01 (5), 456.02 (1), 456.02 (4), 456.02 (5), 456.02 (6),
4 456.03, 456.04 (intro.), 456.05 (intro.), 456.05 (1), 456.05 (2), 456.05 (3), 456.07
5 (1), 456.07 (2), 456.07 (3), 456.07 (4), 456.08, 456.09 (1) (b), 456.09 (1) (c), 456.09
6 (1) (d), 456.09 (1) (e), 456.10 (1) (intro.), 456.10 (1) (bm), 456.10 (1) (c), 456.10
7 (1) (d) and 456.10 (2); and *to create* 15.405 (7m) (a) 2., 440.08 (2) (a) 38k., 456.01
8 (1g), 456.01 (1r), 456.01 (3m), 456.01 (5m), 456.04 (5), 456.05 (4), 456.07 (2m),
9 456.07 (6), 456.072, 456.078 and 456.12 of the statutes; **relating to:** licensing
10 hospital administrators and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, a person may not practice as a nursing home administrator, or use such a title, unless he or she is granted a license by the nursing home administrator examining board (board). To obtain a license, a person must pass an examination regarding the laws governing long-term care facilities, the administration of such facilities, and the needs of persons served by the facilities.

BILL

A person may not take the examination unless he or she satisfies educational requirements that the board considers are adequate preparation for nursing home administration. In addition, a person may not take the examination if he or she has an arrest or conviction record the circumstances of which substantially relate to nursing home administration.

Also under current law, a nursing home administrator license expires on July 1 of each even-numbered year, unless the license is renewed. To renew a license, a person must apply to the board for a certificate of registration. In addition, the board may take disciplinary action against a person who is licensed, including suspending or revoking a license, if he or she engages in specified prohibited conduct. For example, the board may take disciplinary action if a person is incompetent or acts in a manner inconsistent with the health and safety of the residents of a nursing home, or if the nursing home that he or she administers has a pattern of serious violations of federal or state laws.

This bill requires the board to also grant licenses to hospital administrators and changes the name of the board to the hospital and nursing home administrator examining board. Under the bill, except for a hospital administrator employed by the federal government, a person may not practice as a hospital administrator, or use such a title, unless he or she is licensed as a hospital administrator by the board. The requirements for obtaining and renewing a hospital administrator license are similar to the requirements for a nursing home administrator license. For example, a person must pass an examination regarding the laws governing hospitals, the administration of hospitals, and the needs of patients served by hospitals. In addition, the bill requires both the hospital and nursing home administrator examinations to test knowledge of federal and state health care reimbursement programs.

The bill also imposes similar requirements that a person must satisfy to take the hospital administrator examination. Like the nursing home administrator examination, a person may not take the hospital administrator examination if he or she has an arrest or conviction record the circumstances of which substantially relate to hospital administration. In addition, a person may not take the hospital administrator examination unless he or she has received a bachelor's degree in ~~hospital~~ administration, or has completed an educational program that the board determines is substantially equivalent to receiving such a degree. For a limited time, the board must waive this educational requirement for a person who is primarily employed as a hospital administrator on the effective date of the bill. Until five years after the bill goes into effect, such a person may take the examination even if he or she does not satisfy the educational requirement. However, when a person who receives a waiver applies to renew his or her license that expires on July 1, 2008, the person must submit evidence that he or she satisfies the educational requirement. If the person does not satisfy the educational requirement by that date, his or her license may not be renewed, and he or she may not continue to practice as a hospital administrator.

Also, the bill changes the educational requirements for a nursing home administrator license. Under the bill, a person may not take the examination for that

of health care facilities or programs

BILL

license unless he or she has received a bachelor's degree in nursing home administration or has completed an educational program that the board determines is substantially equivalent to receiving such a degree.

In addition, the bill makes the following changes:

1. The bill requires a person who applies to renew a hospital administrator license to submit evidence that he or she completed at least 24 hours of continuing education during the preceding two-year period. Although current law requires a nursing home administrator to complete continuing education requirements, current law does not specify a minimum number of hours.

2. The bill requires the board to promulgate rules establishing a code of ethics governing the professional conduct of hospital and nursing home administrators. The rules may establish separate codes for each profession.

3. The bill allows the board to grant hospital administrator licenses to persons licensed as hospital administrators in other states. The board has similar authority under current law with respect to nursing home administrator licenses.

4. The board's authority to take disciplinary action is expanded so that the board may also take such action against persons licensed as hospital administrators. Therefore, for example, the board may take disciplinary action if a hospital administrator is incompetent or acts in a manner inconsistent with the health and safety of the patients in a hospital, or if the hospital that he or she administers has a pattern of serious violations of federal or state laws.

5. The bill changes the membership of the board, which consists of the following members under current law: five nursing home administrators, two public members, one physician, one nurse, and, as a nonvoting member, the secretary of health and family services or his or her designee. This bill eliminates two of the nursing home administrators and replaces them with three hospital administrators.

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:

1 **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:

2 15.08 (1m) (b) The public members of the chiropractic examining board, the
3 dentistry examining board, the hearing and speech examining board, the medical
4 examining board, the respiratory care practitioners examining council and, the
5 council on physician assistants, the board of nursing, the hospital and nursing home
6 administrator examining board, the veterinary examining board, the optometry
7 examining board, the pharmacy examining board, the examining board of social

INSERT 3A

BILL

workers, marriage and family therapists and professional counselors, and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 2. 15.405 (7m) of the statutes is renumbered 15.405 (7m) (a) (intro.) and amended to read:

15.405 (7m) (a) (intro.) ~~NURSING~~ HOSPITAL AND NURSING HOME ADMINISTRATOR EXAMINING BOARD. There is created a hospital and nursing home administrator examining board in the department of regulation and licensing consisting of 9 ~~members appointed for staggered 4-year terms~~ and the secretary of health and family services or a designee, who shall serve as a nonvoting member. Five, and the following members appointed for 4-year terms:

1. Three members shall be who are nursing home administrators licensed in this state under ch. 456.

3. One member shall be who is a physician.

One member shall be a nurse

4. ~~One member shall be who is a nurse~~ licensed under ch. 441.

5. Two public members shall be public members.

(b) No more than 2 members appointed under par. (a) 1. to 5. may be officials or full-time employees of this state.

Two members who are nurses

SECTION 3. 15.405 (7m) (a) 2. of the statutes is created to read:

15.405 (7m) (a) 2. Three members who are hospital administrators licensed under ch. 456.

SECTION 4. 46.21 (1m) (am) of the statutes is amended to read:

46.21 (1m) (am) The county executive shall appoint under ss. 63.01 to 63.17 an administrator of the county hospital. The appointment shall be made on the basis of recognized and demonstrated public interest in and knowledge of the problems of

INSERT 4-21

BILL

1 delivery of medical care and treatment, and with due regard to training, experience,
2 executive and administrative ability and efficiency, and general qualifications and
3 fitness for performing the duties of the office. An administrator may not be appointed
4 under this paragraph unless he or she is licensed as a hospital administrator under
5 ch. 456. The administrator shall file an official oath and bond in the amount
6 determined by the county board of supervisors. The county board of supervisors may
7 create positions to assist the administrator. The administrator shall be appointed
8 by the county executive in the unclassified civil service, and the appointment is
9 subject to confirmation by the county board of supervisors under s. 59.17 (2) (bm).

10 **SECTION 5.** 50.04 (2) (a) of the statutes is amended to read:

11 50.04 (2) (a) No nursing home within the state may operate except under the
12 supervision of an administrator licensed under ch. 456 by the hospital and nursing
13 home administrators administrator examining board. If the holder of a nursing
14 home license is unable to secure a new administrator because of the departure of an
15 administrator, such license holder may, upon written notice to the department and
16 upon the showing of a good faith effort to secure a licensed administrator, place the
17 nursing home in the charge of an unlicensed individual subject to conditions and
18 time limitations established by the department, with advice from the hospital and
19 nursing home administrator examining board. An unlicensed individual who
20 administers a nursing home as authorized under this subsection is not subject to the
21 penalty provided under s. 456.09.

22 **SECTION 6.** 59.79 (10) of the statutes is amended to read:

23 59.79 (10) COUNTY HOSPITAL. Determine policy for the operation, maintenance,
24 and improvement of the county hospital under s. 49.71 (2) and, notwithstanding the
25 powers and duties specified under s. 46.21 (2) (k), (3r), and (6) with respect to the

BILL

1 county hospital and the administrator and specified under s. 46.21 (2) (b), (L), (m),
2 (n), (nm), (o), (p), and (q) and (3g), provide for the management of the county hospital
3 as the board considers appropriate, except that the employee positions at the
4 hospital will be county employee positions and except that the board may not employ
5 a person as a hospital administrator unless he or she is licensed as such under ch.
6 456. If the board acts under this subsection, the board may not discontinue
7 operation, maintenance, and improvement of the county hospital under s. 49.71 (2)
8 and shall exercise the duties under s. 46.21 (4m). This subsection does not apply if
9 the board acts under s. 46.21 with respect to the county hospital under s. 49.71 (2).

10 **SECTION 7.** 440.08 (2) (a) 38k. of the statutes is created to read:

11 440.08 (2) (a) 38k. Hospital administrator: July 1 of each even-numbered year;
12 \$53.

13 **SECTION 8.** Chapter 456 (title) of the statutes is amended to read:

CHAPTER 456**HOSPITAL AND NURSING HOME****ADMINISTRATOR EXAMINING BOARD**

17 **SECTION 9.** 456.01 (1) of the statutes is amended to read:

18 456.01 (1) “Examining board” means the hospital and nursing home
19 administrator examining board.

20 **SECTION 10.** 456.01 (1g) of the statutes is created to read:

21 456.01 (1g) “Hospital” has the meaning given in s. 50.33 (2).

22 **SECTION 11.** 456.01 (1r) of the statutes is created to read:

23 456.01 (1r) “Hospital administrator” means any individual responsible for
24 planning, organizing, directing, and controlling the operation of a hospital, or who

BILL

1 in fact performs such functions, whether or not such functions are shared by one or
2 more other persons.

3 **SECTION 12.** 456.01 (3m) of the statutes is created to read:

4 456.01 (3m) "Practice of hospital administration" means the planning,
5 organizing, directing, and controlling of the operation of a hospital.

6 **SECTION 13.** 456.01 (4) of the statutes is amended to read:

7 456.01 (4) "Practice of nursing home administration" means the planning,
8 organizing, directing, and ~~control~~ controlling of the operation of a nursing home.

9 **SECTION 14.** 456.01 (5) of the statutes is amended to read:

10 456.01 (5) "Provisional license" is a temporary license issued to a provisional
11 hospital or nursing home administrator under this chapter.

12 **SECTION 15.** 456.01 (5m) of the statutes is created to read:

13 456.01 (5m) "Provisional hospital administrator" means an individual who has
14 been licensed as such under this chapter.

15 **SECTION 16.** 456.02 (1) of the statutes is amended to read:

16 456.02 (1) Develop, impose, and enforce standards which must be met by
17 individuals ~~in order~~ to receive a license as a hospital or nursing home administrator,
18 which standards shall be designed to insure that hospital or nursing home
19 administrators will be individuals who are of good character and are otherwise
20 suitable, and who, by training or experience in the field of institutional
21 administration, are qualified to serve as hospital or nursing home administrators;

22 **SECTION 17.** 456.02 (4) of the statutes is amended to read:

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

BILL

1 **SECTION 18.** 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 hospital
5 or nursing home administrator has failed to comply with the requirements of such
6 standards;

7 **SECTION 19.** 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 hospital and nursing home
10 administration within the state with a view to the improvement of the standards
11 imposed for the licensing of such administrators and of procedures and methods for
12 the enforcement of such standards with respect to administrators of hospitals or
13 nursing homes who have been licensed as such;

14 **SECTION 20.** 456.03 of the statutes is amended to read:

15 **456.03 Licenses.** An applicant for a license as a hospital or nursing home
16 administrator who has successfully complied with the requirements for licensure
17 under this chapter and passed the examination shall be granted a license by the
18 examining board, certifying that the applicant, depending on the license granted,
19 has met the requirements of the laws and rules entitling the applicant to serve, act,
20 practice, and otherwise hold himself or herself out as a duly licensed hospital or
21 nursing home administrator.

22 **SECTION 21.** 456.04 (intro.) of the statutes is amended to read:

23 **456.04 Examination requirements.** (intro.) The examining board shall
24 allow any person to take the examination for licensure as a hospital or nursing home
25 administrator who satisfies all of the following requirements:

BILL

1 **SECTION 22.** 456.04 (4) of the statutes is repealed.

For licensure
as a nursing

2 **SECTION 23.** 456.04 (5) of the statutes is created to read:

home administrator,

3 456.04 (5) ~~Except as provided in s. 456.04(2) (a), depending on the license applied~~

4 ~~for~~ received a bachelor's degree in ~~hospital or~~ nursing home administration or has
5 completed an educational program that the examining board determines is
6 substantially equivalent to receiving a bachelor's degree in ~~hospital or~~ nursing home
7 administration.

INSERT 9-7

8 **SECTION 24.** 456.05 (intro.) of the statutes is amended to read:

9 **456.05 Examinations.** (intro.) The examining board shall determine the
10 subjects of examination for applicants for licensure as hospital or nursing home
11 administrators, and the scope, content, and format of such examinations. The
12 Depending on the license applied for, the examinations shall include examination of
13 the applicant's knowledge of each of the following:

14 **SECTION 25.** 456.05 (1) of the statutes is amended to read:

15 456.05 (1) The laws governing the operation of hospitals or long-term care
16 facilities and the protection of the interests, safety, and well-being of the patients or
17 residents therein; and.

18 **SECTION 26.** 456.05 (2) of the statutes is amended to read:

19 456.05 (2) The elements of proper and effective administration of hospitals or
20 long-term care facilities; and.

21 **SECTION 27.** 456.05 (3) of the statutes is amended to read:

22 456.05 (3) The psychological, physical, medical, and social needs of persons
23 served in such hospitals or long-term care facilities.

24 **SECTION 28.** 456.05 (4) of the statutes is created to read:

BILL

1 456.05 (4) The requirements and procedures of federal and state health care
2 reimbursement programs.

3 **SECTION 29.** 456.07 (1) of the statutes is amended to read:

4 456.07 (1) Every individual who holds a license as a hospital or nursing home
5 administrator issued by the department shall biennially apply to the examining
6 board for a new certificate of registration and report any facts requested by the
7 examining board on forms provided for such purpose.

8 **SECTION 30.** 456.07 (2) of the statutes is amended to read:

9 456.07 (2) The application for a new certificate of registration shall include the
10 applicable renewal fee specified under s. 440.08 (2) (a) and, except as provided in sub.
11 (2m) and s. 456.072 (2), evidence satisfactory to the examining board that during the
12 biennial period immediately preceding application for registration the applicant has
13 attended a ~~continuation~~ continuing education program or course of study. During
14 the time between initial licensure and commencement of a full 2-year licensure
15 period new licensees shall not be required to meet continuing education
16 requirements. All registration fees are payable on or before the applicable renewal
17 date specified under s. 440.08 (2) (a).

18 **SECTION 31.** 456.07 (2m) of the statutes is created to read:

19 456.07 (2m) The examining board may not issue a certificate of registration
20 under sub. (3) to an applicant for renewal of a hospital administrator license unless
21 the applicant submits evidence satisfactory to the examining board that he or she has
22 completed at least 24 hours of continuing education programs or courses of study
23 during the biennial period immediately preceding the application.

24 **SECTION 32.** 456.07 (3) of the statutes is amended to read:

BILL

1 456.07 (3) Upon approval of an application for registration the examining
2 board shall issue a certificate of registration to the hospital or nursing home
3 administrator.

4 **SECTION 33.** 456.07 (4) of the statutes is amended to read:

5 456.07 (4) The license of a hospital or nursing home administrator who fails
6 to comply with this section, and who continues to act as a hospital or nursing home
7 administrator, may be suspended or revoked by the examining board.

8 **SECTION 34.** 456.07 (6) of the statutes is created to read:

9 456.07 (6) Except as provided in s. 456.12, only an individual who has qualified
10 as a licensed and registered hospital administrator under this chapter and who holds
11 a valid current registration certificate under this section for the current registration
12 period may use the title "Hospital Administrator" and the abbreviation "H.A." after
13 the person's name. No other person may use or be designated by such title or such
14 abbreviation or any other words, letters, sign, card, or device tending to or intended
15 to indicate that the person is a licensed and registered hospital administrator.

16 **SECTION 35.** 456.072 of the statutes is created to read:

17 **456.072 Educational waiver for hospital administrators.** (1) If a person
18 takes the examination for licensure as a hospital administrator before the first day
19 of the 60th month beginning after the effective date of this subsection [revisor
20 inserts date], the examining board shall waive the requirement under s. 456.04 (b)
21 if the person submits evidence satisfactory to the examining board that, on the
22 effective date of this subsection [revisor inserts date], the person was primarily
23 employed as a hospital administrator.

24 (2) The examining board may not renew a hospital administrator license that
25 expires on July 1, 2008, of a person who receives a waiver under sub. (1) unless that

BILL

SECTION 35

of health care facilities or programs

1 person submits evidence satisfactory to the examining board, in addition to the
 2 evidence specified in s. 456.07 (2), that the person has received a bachelor's degree
 3 in ~~hospital~~ administration or has completed an educational program that the
 4 examining board determines is substantially equivalent to receiving a bachelor's
 5 degree in ~~hospital~~ administration.

SECTION 36. 456.078 of the statutes is created to read:

456.078 Code of ethics. The examining board shall promulgate rules
 establishing a code of ethics to govern the professional conduct of hospital and
 nursing home administrators. The rules may establish separate codes for hospital
 and nursing home administrators.

SECTION 37. 456.08 of the statutes is amended to read:

456.08 Reciprocity. The examining board may grant a hospital or nursing
 home administrator license under this chapter to a person who holds a hospital or
 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.

SECTION 38. 456.09 (1) (b) of the statutes is amended to read:

456.09 (1) (b) Practice as a ^{LPS: check space} hospital or nursing home administrator, under cover
 of any license or registration illegally or fraudulently obtained or unlawfully issued;
 or

SECTION 39. 456.09 (1) (c) of the statutes is amended to read:

456.09 (1) (c) ~~Practice~~ Except as provided in s. 456.12, practice as a hospital or
 nursing home administrator or use in connection with his or her name any
 designation tending to imply that the person is a hospital or nursing home

BILL

1 administrator unless duly licensed and registered to so practice under this chapter;
2 or

3 **SECTION 40.** 456.09 (1) (d) of the statutes is amended to read:

4 456.09 (1) (d) Practice as a hospital or nursing home administrator during the
5 time his or her license or registration issued under this chapter is suspended or
6 revoked; or

7 **SECTION 41.** 456.09 (1) (e) of the statutes is amended to read:

8 456.09 (1) (e) Otherwise violate this chapter or a rule promulgated under this
9 chapter.

10 **SECTION 42.** 456.10 (1) (intro.) of the statutes is amended to read:

11 456.10 (1) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
12 examining board may, under sub. (2), revoke, limit, or suspend the license or
13 registration of any person practicing or offering to practice hospital or nursing home
14 administration or may reprimand, censure, or otherwise discipline a licensee under
15 this section if any of the following is applicable:

16 **SECTION 43.** 456.10 (1) (bm) of the statutes is amended to read:

17 456.10 (1) (bm) Proof is submitted that the licensee has ~~wilfully~~ willfully or
18 repeatedly acted in a manner inconsistent with the health and safety of the patients
19 or residents of the hospital or nursing home in which the licensee is the
20 administrator.

21 **SECTION 44.** 456.10 (1) (c) of the statutes is amended to read:

22 456.10 (1) (c) Proof is submitted that the licensee is guilty of fraud or deceit in
23 his or her admission to the practice of hospital or nursing home administration.

24 **SECTION 45.** 456.10 (1) (d) of the statutes is amended to read:

BILL

1 456.10 (1) (d) Proof is submitted that while the licensee was the administrator
2 of a hospital or nursing home, that hospital or nursing home engaged in conduct that
3 constituted a pattern of serious violations of federal or state statutes, rules, or
4 regulations.

5 **SECTION 46.** 456.10 (2) of the statutes is amended to read:

6 456.10 (2) The examining board shall have jurisdiction to hear all charges
7 brought under this section against persons licensed and registered as hospital or
8 nursing home administrators or licensed as provisional hospital or nursing home
9 administrators and upon such hearings shall determine such charges upon their
10 merits. If the examining board determines that such person is guilty of the charges,
11 the license or registration may be revoked or suspended or the licensee may be
12 reprimanded, censured, or disciplined.

13 **SECTION 47.** 456.12 of the statutes is created to read:

14 **456.12 Exemption.** This chapter does not apply to a person employed as a
15 hospital administrator by the federal government.

16 **SECTION 48. Nonstatutory provisions.**

17 (1) DEFINITION (CFS) In this section, "board" means the hospital and nursing home administrator CFS
18 examining board. HOSPITAL AND NURSING HOME ADMINISTRATOR BOARD MEMBER?

19 (2) (a) Notwithstanding section 17.07 (3) of the statutes, the governor shall, no
20 later than the first day of the 4th month beginning after the effective date of this
21 paragraph ~~subsection~~, designate for removal from the board 2 of the nursing home
22 administrator members whose terms otherwise expire on July 1, 2006, and the terms
23 of the 2 members who are so designated shall expire on the first day of the 7th month
24 beginning after the effective date of this paragraph ~~subsection~~.

BILL

(b)

1 ~~(b)~~ Notwithstanding section 15.405 (7m) (a) of the statutes, as affected by this
2 act, the initial hospital administrator members of the board shall be appointed by the
3 first day of the 7th month beginning after the effective date of this ~~subsection~~ ^{paragraph} for the
4 following terms:

5 1. ~~(a)~~ One member for a term expiring on July 1, 2005.

6 2. ~~(b)~~ One member for a term expiring on July 1, 2006.

7 3. ~~(c)~~ One member for a term expiring on July 1, 2007.

8 4. ^(c) ~~(d)~~ Notwithstanding section 15.405 (7m) (a) 2. of the statutes, as created by this
9 act, an initial hospital administrator member of the board appointed under
10 ~~subsection (a)~~ ^{paragraph (b)} is not required to be licensed as ^(a) hospital administrator under chapter
11 456 of the statutes if the individual was, at the time of appointment, primarily
12 employed as a hospital administrator, as defined in section 456.01 (1r) of the
13 statutes, as created by this act.

SECTION 49. Initial applicability.

and (c)

15 (1) The treatment of sections 456.04 (4) ~~and~~ (5) and 456.05 (4) of the statutes
16 first applies to examinations for which an application to take the examination is
17 received on the effective date of this subsection.

18 **SECTION 50. Effective dates.** This act takes effect on the first day of the 7th
19 month beginning after publication, except as follows:

20 (1) SECTION 48 of this act takes effect on the day after publication.

(END)

INSERT
15-13

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2559/3dn
MDK:hmh

Date

Representative Johnsrud:

This version is identical to the previous version except for the following:

1. The language regarding the educational requirements for a hospital administrator license is changed.
2. Another nurse is added to the board. Also, one nurse member must be employed in a nursing home and the other in a hospital. Additional nonstatutory language is included to address the transition from one nurse member to 2.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

1

INSERT 3A:

~~No-P~~ In addition, the bill adds another nurse member to the board and requires one of the nurse members to be employed in a nursing home and the other nurse member to be employed in a hospital.

2

INSERT 4-21:

3

SECTION 1. 14.405 (7m) (c) of the statutes is created to read:

4

14.405 (7m) (c) One of the members appointed under par. (a) 4. must be employed in a nursing home and the other member appointed under par. (a) 4. must be employed in a hospital.

7

INSERT 9-7:

8

SECTION 2. 456.04 (6) of the statutes is created to read:

9

456.04 (6) Except as provided in s. 456.072 (1), for licensure as a hospital administrator, received a bachelor's degree in administration of health care facilities or programs or has completed an educational program that the examining board determines is substantially equivalent to receiving a bachelor's degree in administration of health care facilities or programs.

14

INSERT 15-13:

15

³
~~(5)~~ NURSE MEMBERS OF BOARD.

16

(a) Notwithstanding section 15.405 (7m) (a), of the statutes, as affected by this act, the term of the nurse member of the board appointed under section 15.405 (7m) of the statutes shall expire on the effective date of this paragraph.

19

(b) Notwithstanding section 15.405 (7m) (a) of the statutes, as affected by this act, the nurse members of the board shall be appointed by the first day of the 7th month beginning after the effective date of this paragraph for the following terms:

22

1. One member for a term expiring on July 1, 2005.

1 2 . One member for a term expiring on July 1, 2006.

2 (c) Notwithstanding section 15.08 (1) of the statutes, if the governor appoints
3 as a nurse member of the board under paragraph (b) the same individual whose
4 membership expired under paragraph (a), the expired term and the term specified
5 under par. (b) shall be considered one term for purposes of the prohibition on not
6 serving more than 2 terms that is specified in section 15.08 (1) of the statutes.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2559/3dn
MDK:hmh:pg

December 4, 2001

Representative Johnsrud:

This version is identical to the previous version except for the following:

1. The language regarding the educational requirements for a hospital administrator license is changed.
2. Another nurse is added to the board. Also, one nurse member must be employed in a nursing home and the other in a hospital. Additional nonstatutory language is included to address the transition from one nurse member to 2.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

Beam, Laura

From: Johnsrud, DuWayne
Sent: Wednesday, March 13, 2002 12:45 PM
To: LRB.Legal
Subject: jacketing request

Importance: High

Please jacket for the Assembly LRB 2559/3 and LRB 2561/1. Thank you.

Representative DuWayne Johnsrud
(608) 266-3534 or toll free 888-534-0096
PO Box 8952, Madison, WI 53708

See www.repjohnsrud.com for news and information about the 96th Assembly District and Natural Resources Committee