

2003 DRAFTING REQUEST

Bill

Received: **09/16/2002**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Sheldon Wasserman (608) 266-7671**

By/Representing: **Sarah Osterberg**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **Rep.Wasserman@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Licensing criteria for nursing home administrators

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 09/19/2002	csicilia 10/09/2002		_____			State
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FE Sent For:

Attnto

<END>

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FE Sent For:	10/9 02	cjs/1	10/9 PG	10/9 PS <END>			
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Kunkel, Mark

From: Osterberg, Sarah
Sent: Friday, August 16, 2002 9:50 AM
To: Kunkel, Mark
Subject: DRAFTING REQUEST

Hi, Mark,

Please redraft two 2001 bills for Sheldon for the 2003-04 session:

AB 427 (LRB 3347/1), incorporating AA1 (LRBa0934/1); and, AB 698, incorporating AA1 (LRB a12903/1) and AA2 (LRBa1417/1)

Thanks!

Sarah Osterberg
Wasserman Staff

↓
-0082

↘ 0083

SA ✓
T-rough
RW

D-NOTE

gjs
- 0082/11

2001 ASSEMBLY BILL 427

In 9/19 - soon

★ LPS: proof all sections containing amended text w/ folio ★

May 31, 2001 - Introduced by COMMITTEE ON AGING AND LONG-TERM CARE. Referred to Committee on Aging and Long-Term Care.

creating an exemption from such ~~requirements~~ requirements
Regu cat

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) and 456.02 (7); to repeal
 3 and recreate 456.04 (4); and to create 456.04 (5) and 456.08 (1), (2), (3) and
 4 (4) of the statutes; relating to: the requirements for examinations for nursing
 5 home administrator licenses and for reciprocal nursing home administrator
 6 licenses and granting rule-making authority.

Analysis by the Legislative Reference Bureau

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 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

INSERT 1A

INSERT 1B / Same 91

ASSEMBLY BILL 427

INSERT 2A Same §

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.

In addition
Also, 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. Finally, the person must pass an examination relating to state and federal laws governing the practice of nursing home administration.

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

INSERT 2B

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

- 1 SECTION 1. 456.02 (intro.) of the statutes is amended to read:
- 2 **456.02 Duties.** (intro.) The examining board shall do all of the following:
- 3 SECTION 2. 456.02 (1) of the statutes is amended to read:
- 4 456.02 (1) Develop, impose and enforce standards ~~which must be met by~~
- 5 individuals that an individual is required to meet in order to receive a license as a
- 6 nursing home administrator, ~~which.~~ The standards shall be designed to insure
- 7 ensure that a nursing home administrators ~~will be individuals who are~~
- 8 administrator is of good character and are, is otherwise suitable, and ~~who,~~ by

ASSEMBLY BILL 427

1 training or experience in the field of institutional administration, ~~are is~~ qualified to
2 serve as a nursing home administrators; administrator. ✓

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

4 456.02 (2) Develop and apply appropriate techniques, including examinations
5 and investigations, for determining whether an individual meets ~~such~~ the
6 standards; under sub. (1). ✓

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

8 456.02 (3) Issue ~~licenses to individuals~~ a license to an individual determined,
9 after the application of ~~such~~ the techniques under sub. (2), to meet ~~such~~ the
10 standards under sub. (1), and revoke or suspend ~~licenses~~ a license previously granted
11 by the examining board ~~in any case where~~ if the individual holding ~~any such~~ the
12 license is determined substantially to have failed to conform to the requirements of
13 ~~such~~ the standards;. ✓

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

15 456.02 (4) Establish and carry out procedures designed to ~~insure~~ ensure that
16 individuals licensed as nursing home administrators will, ~~during any period that~~
17 ~~they serve as such,~~ comply with the requirements of ~~such~~ the standards; under sub.
18 (1). ✓

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

20 456.02 (5) Subject to the rules promulgated under s. 440.03 (1), receive,
21 investigate, and take appropriate action with respect to, any charge or complaint
22 filed with the examining board to the effect that any individual licensed as a nursing
23 home administrator has failed to comply with the requirements of ~~such~~ the
24 standards; under sub. (1). ✓

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

ASSEMBLY BILL 427

SECTION 7

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

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

8 456.02 (7) ~~Develop and enforce standards for the~~ Promulgate rules
 9 establishing supervised practical experience to be required requirements that an
 10 individual shall satisfy before ~~(allowing the individual)~~ to take an examination for
 11 licensure; and as a nursing home administrator. The rules shall require the
 12 individual to complete at least 2,000 hours in any consecutive 3-year period within
 13 the 5-year period immediately preceding the date of application for examination in
 14 an internship, administrator-in-training program, or any other structured program
 15 approved by the examining board. ✓

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

17 456.04 (4) Has one of the following:

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

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

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

24 456.04 (5) Satisfies the supervised practical experience requirements
 25 promulgated under s. 456.02 (7). ✓

Specified
in the rules

ASSEMBLY BILL 427

INSERT 5-1

1 SECTION 11. 456.08 of the statutes is renumbered 456.08 (intro.) and amended
2 to read:

3 **456.08 Reciprocity.** (intro.) The examining board may grant a nursing home
4 administrator license under this chapter to a ~~person~~ an applicant who holds a
5 current nursing home administrator license issued by the proper authorities of any
6 other state or licensing jurisdiction, upon payment of the fee specified in s. 440.05 (2)
7 and upon submission of ~~satisfactory evidence of the person's qualifications.~~ evidence
8 satisfactory to the examining board that the applicant satisfies each of the following:

9 SECTION 12. 456.08 (1), (2), (3) and (4) of the statutes are created to read:

10 456.08 (1) The applicant has a bachelor's degree in any field or holds a current
11 certification as a nursing home administrator granted by the American College of
12 Health Care Administrators. ✓

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

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

18 (4) The applicant has passed an examination approved by the examining board
19 relating to state and federal laws governing the practice of nursing home
20 administration. ✓

INSERT 5-20

21 SECTION 13. Initial applicability.

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

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0082/lins
MDK:.....

1

INSERT 1A:

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 exemptions from the requirement to be licensed as a nursing home administrator.

2

INSERT 1B:

Requirements for a nursing home administrator license.

3

INSERT 2A:

Reciprocal licenses.

4

INSERT 2B:

Exemption from licensure. Finally, current law prohibits, with certain exceptions, a person from practicing as a nursing home administrator unless he or she is licensed by the examining board. This bill creates another 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.

INSERT 5-1:

**ASSEMBLY AMENDMENT 1,
TO 2001 ASSEMBLY BILL 427**

November 6, 2001 - Offered by Representatives WASSERMAN and VRAKAS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 6: after "licenses" insert ", creating an exemption from such
3 licenses,".

4 **2.** Page 5, line 1: before that line insert:

5 ~~SECTION 456.07~~ SECTION 456.07 (5) of the statutes is amended to read:

6 456.07 (5) Only Except as provided in s. 456.12, only an individual who has
7 qualified as a licensed and registered nursing home administrator under this
8 chapter and who holds a valid current registration certificate under this section for
9 the current registration period may use the title "Nursing Home Administrator", and
10 the abbreviation "N.H.A." after the person's name. No other person may use or be
11 designated by such title or such abbreviation or any other words, letters, sign, card
12 or device tending to or intended to indicate that the person is a licensed and
13 registered nursing home administrator."

END OF INSERT 5-1

INSERT 5-20

1
2
3
4
5
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12

3. Page 5, line 20 after that line insert:

SECTION ~~123~~ 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 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

SECTION ~~(a)~~ 456.12 of the statutes is created to read:

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

(END)

END OF INSERT 5-20

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0082/1dn

MDK:.....

gr

Representative Wasserman: ✓

This bill is a redraft of 2001 AB 427, as amended by AA1. Please contact me if you have questions or redraft instructions. ✓

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-0082/1dn
MDK:cjs:pg

October 10, 2002

Representative Wasserman:

This bill is a redraft of 2001 AB 427, as amended by AA1. Please contact me if you have questions or redraft instructions.

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

Mentkowski, Annie

From: Osterberg, Sarah
Sent: Monday, January 13, 2003 9:56 AM
To: LRB.Legal
Subject: Draft review: LRB-0082/1 Topic: Licensing criteria for nursing home administrators

It has been requested by <Osterberg, Sarah> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0082/1 Topic: Licensing criteria for nursing home administrators

changes made
&
re-sent
05-15-2003

2003 - 2004 LEGISLATURE

LRB-0082/1
MDK:cjs:pg

CORRECTED COPY

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 exemptions from~~ 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



ASSEMBLY BILL 16

(examining board). In addition, the examining board is required to develop and 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 ~~with certain exceptions~~ a person from practicing as a nursing home administrator unless he or she is licensed by the examining board. This bill creates ~~another~~ ^{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:

ASSEMBLY BILL 16

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

2 **456.02 Duties.** (intro.) The examining board shall do all of the following:

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

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

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

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

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

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

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

23 456.02 (4) Establish and carry out procedures designed to ~~insure~~ ensure that
24 individuals licensed as nursing home administrators will, ~~during any period that~~

ASSEMBLY BILL 16

1 ~~they serve as such,~~ comply with the requirements of ~~such~~ the standards; under sub.
2 (1).

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

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

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

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

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

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

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

ASSEMBLY BILL 16

1 456.04 (4) Has one of the following:

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

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

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

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

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

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

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

21 **456.08 Reciprocity.** (intro.) The examining board may grant a nursing home
22 administrator license under this chapter to ~~a person~~ an applicant who holds a
23 current nursing home administrator license issued by the proper authorities of any
24 other state or licensing jurisdiction, upon payment of the fee specified in s. 440.05 (2)

ASSEMBLY BILL 16

1 and upon submission of ~~satisfactory evidence of the person's qualifications.~~ evidence
2 satisfactory to the examining board that the applicant satisfies each of the following:

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

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

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

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

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

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

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

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

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

25 **SECTION 16. Initial applicability.**

